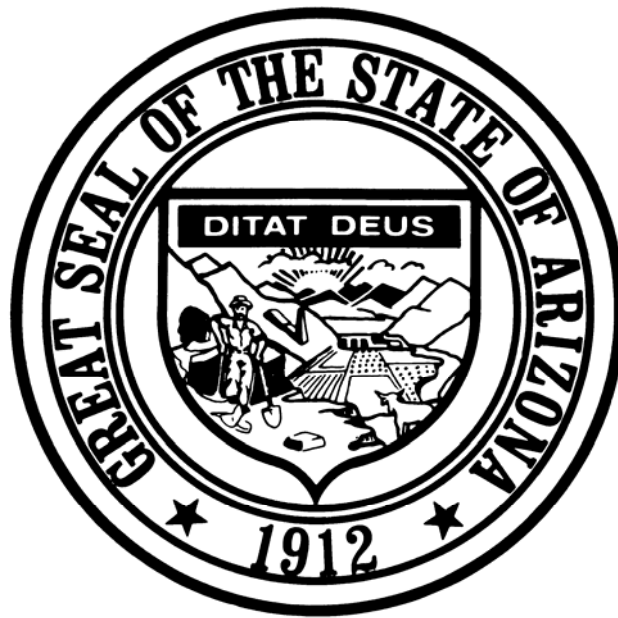


# State of Arizona

*Wagner-Peyser*

*Employment Service*

*Policy Manual*



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY  
Division of Employment & Rehabilitation Services  
Employment Administration**

1789 W. Jefferson Street  
Phoenix, AZ 85007  
Phone: (602) 542-5954  
Fax: (602) 542-6310

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**

**SUBJECT: TABLE OF CONTENTS**

### **100 PURPOSE AND SCOPE**

This section outlines the federal regulations that provide the authority for Wagner-Peyser employment service, including The Wagner Peyser Act of 1933 and The Work Force Investment Act (WIA) of 1998. This section also includes mission statements for the Arizona Department of Economic Security (DES), the Division of Employment and Rehabilitation Services (DERS), and Wagner-Peyser employment service. In conclusion, this section provides an overview of the purpose and scope of Wagner-Peyser employment service.

### **200 APPLICANT REGISTRATION**

This section contains the policies used by Wagner-Peyser employment service for registration types and methods, interviewing techniques and handling difficult situations.

### **300 JOB ORDER WRITING**

This section provides a definition and statewide policies for the use of Wagner-Peyser employment service as it relates to job order quality, types of orders, and parts of an order. Employers have the option of entering their own job orders in the system or contacting Wagner-Peyser employment service for assistance with order writing. This section pertains to orders taken by the agency.

### **400 COMPLAINTS AND DISCONTINUATION OF SERVICE**

This section provides the guiding policy for complaints and discontinuation of Wagner-Peyser employment service for employers. This section also contains information on the types of complaints, requirements for complaints, and the assignment of Wagner-Peyser employment service' complaints. Initial procedures for Wagner-Peyser related complaints at the local office level are discussed, as well as, the actions to be taken when referring Wagner-Peyser related complaints. The process of transferring complaints to the appropriate local office and the policy for state office procedures are addressed in this segment. Discontinuance and reinstatement of Wagner-Peyser employment service to employers are also outlined.

**500 SELF-APPRAISAL SYSTEM**

Federal regulations found at 20 CFR 658.601 20 CFR Ch. IV (4-1-05 Edition) require Wagner-Peyser employment service to develop a self-appraisal system to determine success in reaching goals and to correct deficiencies in performance. The self-appraisal system is based upon a comparison of planned activity levels as stated in the State Program and Budget Plan (PBP) and accomplished results. Self-Appraisal provides a basis for the measurement of anticipated performance in terms of end results that assist the job seeker in obtaining suitable employment and the employer in obtaining suitable applicants.

**600 COMMON MEASURES/COMMON MESSAGE**

Arizona's One-Stop partners including the Workforce Investment Act (WIA), the Wagner-Peyser Act, the Veterans' Employment and Training Service (VETS), the Trade Adjustment Assistance (TAA), and the Migrant Seasonal Farm Workers (MSFW) programs adhere to the common performance measures policy of the United States Department of Labor, Employment and Training Administration (ETA). The following policies provide guidance and clarification on the performance accountability system under state formula-funded programs. In addition, this section outlines common measures with emphasis on the importance of integration of the services of the One-Stop Employment and Workforce Information Services System partners and accurate federal reporting.

**700 UNEMPLOYMENT CLAIMANTS**

Unemployment Insurance (UI) rules state that claimants that are required to seek work must register with Wagner-Peyser employment service as a condition of UI eligibility. This section explains statewide policies for the use of Wagner-Peyser employment service to serve UI claimants. This section will provide information regarding Reemployment Service and the UI work test requirements.

**800 PRIORITY SERVICES**

This section outlines the special provisions made for employment services to Veterans; Migrant Farm Workers, Seasonal Farm Workers (MSFW), or Migrant Food Processing Workers, and Trade Adjustment Assistance (TAA) programs.

**900 COMPLAINT REFERRAL**

This section provides information regarding Wagner-Peyser employment service' related complaints.

**1000 GLOSSARY**

This section contains commonly used acronyms and definitions used throughout the Wagner-Peyser Policy Manual.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



### WAGNER-PEYSER

### PROGRAM INSTRUCTIONS: SECTION 100

### SUBJECT: PURPOSE AND SCOPE

## **100 PURPOSE AND SCOPE**

This section outlines the federal regulations that provide the authority for Wagner-Peyser employment service, including The Wagner Peyser Act of 1933 and The Work Force Investment Act (WIA) of 1998. This section also includes mission statements for the Arizona Department of Economic Security (DES), the Division of Employment and Rehabilitation Services (DERS), and Wagner-Peyser employment service. In conclusion, this section provides an overview of the purpose and scope of Wagner-Peyser employment service.

## **101 THE WAGNER-PEYSER ACT OF 1933**

The Wagner-Peyser Act of 1933 established the United States Employment Service (USES) in order to promote the establishment and maintenance of a national system of public employment offices. The USES is maintained at the national level by the United States Department of Labor Employment and Training Administration. Arizona Wagner-Peyser employment service follows the direction provided by the United States Department of Labor Training and Employment Guidance Letters (TEGL) available at: <http://wdr.doleta.gov/directives/>.

## **102 THE WORK FORCE INVESTMENT ACT (WIA) OF 1998**

The Workforce Investment Act (WIA) of 1998 (Public Law 105-220) amended the Wagner-Peyser Act to make the employment service one of the following fifteen mandatory One-Stop Employment and Workforce Information Services System partners:

- WIA Adult, Dislocated Worker, and Youth Programs,
- Native American Programs,
- Migrant and Seasonal Farm Worker Programs,
- Veterans Programs,
- Job Corps,
- Adult Education and Literacy Programs,
- Post-Secondary Vocational Education Programs,
- Title V Programs (Senior Community Service Employment Programs,
- Unemployment Insurance,
- Vocational Rehabilitation Programs,
- Welfare-to-Work Programs,
- Community Services Block Grant Programs, and
- Youthbuild (HUD Program).

**103 AUTHORITY**

The Code of Federal Regulations Chapter 20 Parts 651-658 provides the authority for the policies set forth in this document and is available in its entirety at:  
[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).

**104 ARIZONA DEPARTMENT OF ECONOMIC SECURITY (DES) MISSION STATEMENT**

The Arizona Department of Economic Security (DES) promotes the safety, well-being, and self-sufficiency of children, adults, and families.

**105 DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES (DERS) MISSION STATEMENT**

The Division of Employment and Rehabilitation Services is dedicated to assisting Arizonans to find and maintain meaningful work and independence and developing a skilled, productive, and resilient workforce.

**106 WAGNER-PEYSER EMPLOYMENT SERVICE MISSION STATEMENT**

Wagner-Peyser employment service in conjunction with the One-Stop network of partners develops a qualified workforce through the delivery of employment related services to keep businesses competitive and to sustain economic growth.

**107 WAGNER-PEYSER EMPLOYMENT SERVICE**

The Wagner-Peyser program was established to provide employment service to employers and workforce information services to job seekers. These services increase employment opportunities, employment retention, earnings, and occupational skill attainment of participants, as well as, assisting employers in finding qualified workers. This improves the quality of the workforce, reduces welfare dependency, and enhances the productivity and competitiveness of the State. The system is intended to be customer focused and to help provide access to the tools needed to manage careers through information and high quality services.

**.01 Primary Services**

The Wagner-Peyser employment service is an integral part of the One-Stop Employment and Workforce Information Services System.

- A. As part of the Employment and Workforce Information Services System, Wagner-Peyser employment service, focuses on providing a variety of employment related services including but not limited to:

1. Job search assistance,
  2. Job referral and placement assistance for job seekers,
  3. Re-employment service to unemployment insurance claimants, and
  4. Recruitment service to employers with job openings.
- B. Depending on the needs of the labor market and other additional related services such as job seeker assessment of skill levels, abilities and aptitudes, career guidance when appropriate, job search workshops and referral to training that may be available services are delivered by one of three approaches including:
1. Self-service,
  2. Facilitated self-help service, and
  3. Staff-assisted service delivery approaches.

#### **.02 Additional Services**

Wagner-Peyser employment service program, which is provided through the One-Stop system, offers comprehensive and collaborative service to employers and job seekers. Services include pre-employment workshops, job search assistance, resume and application preparation, career assessments, labor market information, job fairs, referrals to training, and referrals for available jobs. As a cornerstone of the Wagner-Peyser Act, universal access is given to customers who can obtain these services in person, or through Arizona's Virtual One-Stop system (VOS).

VOS, an Internet-based workforce development system allows for business customers to post available jobs. VOS also allows job seekers to register for available job openings, develop resumes, and begin the eligibility process for WIA service. The VOS system coordinates activities to avoid duplication by providing modules for common intake, case management, common data collection, and reporting. Individuals requiring training or support services are enrolled into WIA.

#### **108 CHANGES IN POLICIES AND PROCEDURES**

Manual revisions are scheduled at least quarterly. Between revisions, when policy must be changed, Employment Administration Policy Broadcasts are issued to staff through e-mail.

**109 UNIT MANAGERS APPLYING REASONABLE JUDGMENT**

Although this manual is written and updated based on the most current federal and state laws and regulations, there may be circumstances that are not specifically addressed. Staff are expected to research any questionable or unusual situations thoroughly, using materials available. When making any decision, staff may then consult with their supervisor to come to a reasonable decision, based on experience and knowledge of the Wagner-Peyser employment service. When, after diligent research into the circumstances in question and after consultation with the supervisor and the unit manager, a decision cannot be reached, clarification may be requested from the Employment Administration Policy & Training Unit Manager at \*EA Policy. Please mention the program in the subject line (i.e., Wagner-Peyser).

**110 QUESTIONS REGARDING POLICY OR PROCEDURES**

All staff requests for technical assistance regarding policy or procedures **that cannot be resolved after elevation to a supervisor and manager** may be submitted to the Policy & Training Unit Manager utilizing program procedures. Such requests for technical assistance must be elevated through the Employment Administration Policy & Training Unit Manager at \*EA Policy. Please mention the program in the subject line (i.e., Wagner-Peyser).

**111 AVAILABILITY OF MANUAL MATERIAL**

The Wagner-Peyser employment service Policy Manual (effective 01/01/2006) is used to administer the Wagner-Peyser employment service. The Wagner-Peyser employment service Policy Manual is available to internal users through Public Folders at DERS Policy.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 200**

**SUBJECT: APPLICANT REGISTRATION**

### **200 APPLICANT REGISTRATION**

This section contains the policies used by Wagner-Peyser employment service for registration principles and types, interviewing methods, registration maintenance, and document retention.

#### **201 REGISTRATION PRINCIPLES**

- Wagner-Peyser employment service shall obtain from an applicant only that information which is necessary to determine the worker's qualifications for employment that facilitates placing the worker on a job and any additional information required by the United States Department of Labor.
- The registration record depicts the applicant's skills, knowledge, and abilities for referral to job opportunities and any employment barriers that would identify the need for an employability development plan.
- Wagner-Peyser employment service will classify an applicant in terms of [O\\*NET - Occupational Information Network Resource Center](#) based on an evaluation of the applicant's entire occupational qualifications as shown by work experience and training.
- Applicants receiving staff-assisted services funded under the Wagner-Peyser Act must be registered.

#### **202 TYPES OF REGISTRATIONS**

This section pertains to the three types of registration full, partial, and self registration. This section also includes the guiding policies for special applicant groups.

##### **.01 Full Registration**

A full registration reflects an applicant's record which contains sufficient information to support the assigned occupational code.

A. CFR 20, 651.10 defines a full registration as:

"Full application means an application for an applicant who has participated in an application interview and which includes the applicant's personal characteristics, work history and an occupational classification code." 20 CFR Part 651 is available in its entirety at:  
[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).



- B. A full registration is accomplished by the Wagner-Peyser employment service staff and is commonly referred to as a staff-assisted registration. The registration depicts the applicant's skills, knowledge, and abilities for referral to job opportunities and employability services. The interviewer:
1. Reviews, analyzes, and completes information on the registration to insure that all of the applicant's qualifications for employment are adequately represented.
  2. Determines any need the applicant may have for special placement or employability development.
  3. Gives the applicant information which may increase his/her opportunities for placement.
  4. Evaluates the occupationally significant facts about the applicant and classifies them in accordance with [O\\*NET - Occupational Information Network Resource Center](#) coding.

## **.02 Partial Registration**

A partial registration designates an applicant record to which no occupational code has been assigned, even though the record may contain extensive detail. There are circumstances in which a partial registration (see section 202.02B page 2-3) is adequate however, if job seekers wish to receive One-Stop Employment and Workforce Information Services System services such as a referral they must be fully registered.

- A. CFR 20, 651.10 defines partial registration as:
- “Partial application means the application of an applicant who has not participated in an application interview and which does not include an occupational classification code. Partial applications prepared for Migrant and Seasonal Farm Workers must include a signed waiver for full services at that time in accordance with 20 CFR 653.103.” 20 CFR Part 651 is available in its entirety at:  
[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).
- B. Wagner-Peyser employment service staff may complete a partial registration only under special circumstances when absolutely necessary. Partial registrations may be completed at a time when Wagner-Peyser employment service staff are on site for rapid response activities, mass recruitment, or in the field where access to the system is not available. Upon return to the office, information must be immediately transferred into the system. Again, for a partial registration, all required data elements, with the exception of the occupational code, must be completed.

**.03 Self Registration**

Self registration allows job seekers to enter their own information into an automated system. The job seeker may return to the Wagner-Peyser employment service office and update or add new information. The system can be used by Wagner-Peyser employment service staff to continue accessing and managing the job seeker's information for referral to providers, recording services, matching job orders, and updating information.

**.04 Registering Special Applicant Groups**

These policies exist to ensure priority services to mandated groups.

**A. Unemployment Insurance (UI) Claimants**

When an individual has filed an unemployment insurance claim or is planning to file a claim comes into the Wagner-Peyser employment service office, a full registration must be completed.

**1. Registration Exceptions**

In the following instances, registration is **not** required for the UI claimant:

- a. The applicant is unemployed due to a labor dispute at his/her employer's establishment and intends to return to work for the employer following termination of the labor dispute.
- b. The applicant is temporarily laid off from employment for a known duration of not more than thirty days and has been notified of the approximate date employment will again be available.
- c. The applicant is unemployed and filing a UI claim from an area in Arizona where employment service is not provided.
- d. The applicant is registered for work with a union through which workers in the applicant's occupation normally obtain work.

**B. Migrant and Seasonal Farm Workers**

On August 9, 1974, in the United States, District Court, Judge Charles R. Richey issued a court order mandating full registrations of migrant and seasonal farm workers and delivery of services, both qualitative and quantitative, on a non-discriminatory basis.

Although Judge Richey's court order was dismissed on June 6, 1980, the Department of Labor published final regulations on June 10, 1980 in 20 CFR 653 and 658 as part of the settlement process and established minimum service indicators for migrant and seasonal farm workers. 20 CFR Parts 653 and 658 are available in their entirety at:

[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).

It is recommended that a full registration including both agricultural and nonagricultural work history, skills, knowledge, and abilities be completed for all migrant and seasonal farm workers.

C. Veterans

Any individual who states that he/she is a veteran should be immediately referred to the veterans' employment representative or disabled veterans' representative for completion of a full registration. If a veterans' representative is not assigned to the local office or is unavailable, other staff should provide priority service to the applicant and complete a full registration.

## 203 INTERVIEWING METHODS

The applicant interview is an integral part of the registration process and must be properly completed to ensure that the job seeker is appropriately matched to a position based on occupational skills, knowledge, and abilities.

### .01 Required Information

Federal Register volume 66, number 105 now requires state agencies to request the following information from job seekers during registration:

- Name,
- Contact Information,
- Social Security Number,

**Note:** When a job seeker does not wish to disclose their social security number, a pseudo number will be assigned.

- Ethnicity,
- Race,
- Veteran Status,
- Age,
- Gender,
- Educational Attainment,
- Disability Status, and
- Migrant and Seasonal Farmworker.

**.02 Occupational Classifications**

An [O\\*NET - Occupational Information Network Resource Center](#)-SOC code will be assigned to each registration based on the job seeker's work history, knowledge, skills, and education in that order. To provide maximum exposure to job opportunities, an occupational classification is assigned for each occupation for which the applicant is qualified.

**A. Steps in Assigning Occupational Classifications**

There is a logical sequence to follow in assigning occupational classifications to an applicant. The steps are:

1. Determine all of the possible classifications which might be considered, by evaluating the classes of evidence pertaining to his/her skills, knowledge, and abilities.
2. Compare the applicant's skill, knowledge, and ability with those needed for specific job fields.
3. Discuss the possible classifications with the applicant and allow the applicant's preference to be the deciding factor in assigning a classification. However, where the applicant's preference is not backed up by experience and training, point out to the job seeker the difficulties involved in obtaining work in that classification. An entry classification may be assigned where the applicant's choice is based solely upon the applicant's interest. All such discussions should be documented on the application.
4. The last step is to enter the appropriate [O\\*NET - Occupational Information Network Resource Center](#) codes into the automated system.

**B. Evaluate Qualifications**

Identify the applicant's qualifications by studying his/her entire work history, individual jobs, and training.

1. Evaluate the job through knowledge of what is involved in successful performance.
  - a. Consider specific skills, knowledge, and abilities required, but not usually possessed by applicants who have not had experience in the classification under consideration.
  - b. Determine length of employment necessary to gain skills, knowledge, and abilities needed to successfully perform the job.

- c. Establish possible loss of skills, knowledge, and abilities through disuse or technological change due to length of time away from the job classification.
2. Study of total work experience, which may indicate qualifications not apparent by examination of individual jobs; i.e., growth of skills, knowledge, and abilities as indicated by sequence of jobs held or special skills, which may be revealed by tendencies toward specialization in certain work phases.
3. Evaluate each type of training, which may be related to the performance of a job. Evaluation of the achievement of the applicant in each type of training is based upon the content, duration, and frequency of the training course for the same reasons these factors were used to evaluate work experience.

C. Evaluate Evidence

Evaluate the applicant's qualifications for a specific job or field of work based upon the relationship of all three classes of evidence. Comparison of each class with every other one may indicate that the applicant has qualifications which are:

1. Suggested by more than one class of evidence and provide an unquestionable basis for an occupational classification.
2. Backed by strong evidence from either work experience or training. This evidence provides an unquestionable basis for occupational classification.
3. Based upon evidence of worker preference alone. Such limited evidence is used as a basis for classification only when there is no other qualification apparent from the other two sources. This limited evidence leads to assignment of an entry classification.

D. Determine Coding

An applicant's qualifications, skills, knowledge and abilities may point either to specific jobs or to general fields of work. Some qualifications are well developed, easily identified, and point directly to the performance of specific jobs. Other qualifications maybe less clearly developed, less easily defined, or less specific, and as a consequence, point to any one of a number of jobs within a general field of work. Qualifications based upon training may point to specific jobs if training was recent and specific enough to develop essential skills, knowledge, and abilities for job performance. Training which is general in nature points to general fields or work.

**.03 Provide Information to the Applicant**

Providing information to the applicant is an important phase of the interview. An applicant who is fully informed will be more cooperative and will be more likely to obtain employment. The following points are appropriate to most interviews:

- A. Explain the operation of the office as it affects the applicant and let the applicant know how to improve chances for placement.
- B. Acquaint the applicant with usual employer hiring specifications in the chosen occupation, usual beginning wage ranges, and other labor market information which will assist the applicant in realistically appraising competitive situations.
- C. Give information on services available through other agencies. This could include our DES, WIA, and One-Stop partner agencies.

**.04 Recognizing the Need for Additional Services**

During the interview, the interviewer should determine those applicants who are not competitive in the labor market. Identify obstacles to the applicant's employability through the information obtained from the application and the interview. One or more of the following special services may be utilized to assist the applicant:

- A. Counseling and guidance to assist in vocational choice, vocational adjustment, and vocational change.
- B. Referral to other agencies, and community and faith-based organizations for supportive services.

**204 REGISTRATION MAINTENANCE**

Each interviewer has the responsibility for maintaining the quality and accuracy of the information on the application during subsequent interviews. When the initial application is taken, the objective is to obtain enough information to perform a normal placement service for the applicant or to assess the need for employability services. Repeated visits by the applicant over a period of time are an indication that additional information may be needed.

Make any changes or supplemental remarks that are indicated during the subsequent interview. Give any additional information that will be helpful to the applicant and be alert to the possible need for counseling or other services.

**.01 Update the Work History**

The interviewer should review any subsequent work history which the applicant may have had since the last contact with the local office. The interviewer should also determine if any additional skills have been acquired which might affect the applicant's occupational classification. All significant work history should be entered.

The interviewer should also explore the applicant's participation in training or schooling since the last visit. Vocational information such as tools, licenses, transportation and availability should also be updated.

**.02 Record Retention**

Per 20 CFR Parts 652(d) (5):

"Each state shall retain basic documents for the minimum period specified below: Work Application: One Year Job Order: One Year". 20 CFR Part 652 is available in its entirety at:

[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 300**

**SUBJECT: JOB ORDER WRITING**

### **300 JOB ORDER WRITING**

This section provides a definition and statewide policies for the use of Wagner-Peyser employment service as it relates to job order quality, types of orders, and parts of an order. Employers have the option of entering their own job orders in the system or contacting Wagner-Peyser employment service for assistance with order writing. This section pertains to orders taken by the agency.

#### **301 DEFINITION**

It is the policy of Wagner-Peyser employment service to accept job orders from employers as long as the services to be performed and/or conditions of employment are not contrary to federal, state, local laws or regulations. Order taking is that part of the placement process in which the order taker obtains, classifies, and records all the information essential to the selection and referral of qualified applicants to an employer's job opening. Order taking consists of acquiring data from an employer and giving information to an employer regarding action to be taken on the order, the availability of qualified applicants, and Labor Market Information (LMI) if needed.

Order information must be complete and contain only legal and job-related requirements. Order takers must have sufficient knowledge and experience to be able to elicit the proper information to allow correct coding and entry of the order into the system. Familiarity with the employer community and labor market will enable the order taker to recognize various types of job orders and to ensure that these orders comply with policy guidelines. If sufficient information is received, the order taker writes the job order, then the applicant search and referral process begins. If sufficient information is not received, the order taker contacts the employer to obtain additional information. Job order information is, generally, received by telephone, fax, mail, or a face-to-face meeting between the employer and a Wagner-Peyser employment service representative.

#### **302 JOB ORDER QUALITY**

This section provides best practices for employers, communication with employers, and quality initiatives for Wagner-Peyser employment service staff.

##### **.01 Best Practices for Employers**

Wagner-Peyser employment service representatives are charged with educating employers in entering effective job orders.

- A. Employers should be encouraged to list salary information or a starting salary range on all job orders. Employers should be advised that job seekers often ignore job announcements that do not list a starting salary.



- B. Staff should make an effort to define shifts and flexible hours on all job orders. The employer will usually have a range of hours within which work must be completed.
- C. Employer job descriptions should minimize the use of jargon or “shop talk” unless it is common throughout the industry and easily understood for those trained or experienced in the field. Job duties should always be explained in sufficient detail that the applicant and/or interviewer can accurately determine the skills, knowledge, and abilities needed to perform the job.
- D. All special procedures regarding testing and/or referral information shall be entered on the job order.

## **.02 Communication with Employers**

Wagner-Peyser employment service representatives are responsible for effective communication with the employer.

- A. Staff must be alert to employers who use discriminatory terms when placing a job order. If an employer uses a discriminatory term or attempts to place a [discriminatory order](#), staff should courteously and diplomatically call his/her attention to that fact. If an employer persists, the staff should indicate that they are unable to accept the order unless the discriminatory terms or language are withdrawn.
- B. Referral methods should always be discussed with employers so that they fully understand the options. It is especially important that the employer have clear expectations regarding self-service referrals.

## **.03 Quality Initiatives for Staff**

Wagner-Peyser employment service representatives are responsible for quality job orders.

- A. All job orders taken should be entered into the system as soon as possible. Where volume exceeds our ability to enter all orders on the day received, managers should set priorities. Failure to enter orders delays access to the customers therefore, it is a disservice to the employer and to the job seeker.
- B. Job orders are viewed directly by the public and reflect on the quality of work produced by the Wagner-Peyser employment service. Care should be taken to check spelling and grammar when entering job orders.

- C. Wagner-Peyser employment service' representatives who take job orders are responsible for the quality of job orders that they enter into the system. Lack of adequate information on orders inhibits proper screening and referral/or self-referral. The sparse screening of inappropriate referrals, which may result from inadequate information on job orders, results in wasting applicant, employer, and staff time, in addition to projecting a poor public image.
- D. Job orders are entered in accordance with veteran's preference requirements.

### **303 TYPES OF ORDERS**

This section pertains to the types of orders received by Wagner-Peyser employment service.

#### **.01 Affirmative Action Orders**

The following information defines affirmative action and provides the guiding policy:

- A. 20 CFR Part 651 defines affirmative actions as:  
  
"Affirmative action means positive, result-oriented action imposed on or assumed by an employer pursuant to legislation, court order, consent decree, directive of a fair employment practice authority, government contract, grant or loan, or voluntary affirmative action plan adopted pursuant to the Affirmative Action Guidelines of the Equal Employment Opportunity Commission to provide equal employment opportunities for members of a specified group which for reasons of past custom, historical practice, or other non-occupationally valid purposes has been discouraged from entering certain occupational fields". 20 CFR Part 651 is available in its entirety at:  
[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601).
- B. It is the policy of Wagner-Peyser employment service to serve employers operating under bona fide affirmative action programs. The order-taker accepts an oral assurance by the employer that the business is qualified as an affirmative action employer. Wagner-Peyser employment service reserves the right to request written documentation, if necessary.
- C. The order-taker informs the employer that while a special applicant search for which affirmative action is being taken, a job order cannot be accepted that requires exclusive referral of a specific group. No qualified applicant is denied referral because the applicant is not a member of the group identified on the affirmative action job order.

- D. The order-taker informs the employer that qualified veterans are provided preference on all referrals. Special efforts are made to ensure that the requested group is represented among those applicants referred.
- E. Ensures that the selection criteria has had a direct relationship to the tasks to be performed and are not greater than necessary to perform the tasks. Unnecessary education or experience requirements may tend to eliminate certain groups.

## **.02 Agricultural Orders**

This component defines agricultural orders and provides the guiding policy.

- A. Agricultural orders seek applicants for work within agricultural production or agricultural services' industries.
- B. The order-taker will ensure wages offered are not less than the prevailing wages among similarly employed agricultural workers in the area or the applicable federal or state minimum wage, whichever is higher.
- C. The Agricultural order must contain the phrase "local area referral only", unless an Agricultural Clearance Recruitment order (ETA 790) has been signed by the employer and processed by the State Agricultural Clearance Officer.
- D. Agricultural orders list a Farm Labor Contractor (FLC) as the employer, includes the FLC certification number in the job summary and items the contractor is to provide under their license, i.e., transportation, housing, etc.

## **.03 Arizona Job Orders**

When Arizona employers request recruitment assistance, or when the employer is not located in Arizona but the job site is in Arizona, job order information is entered into the automated system and applicant search procedures are implemented in accordance with local office procedures.

## **.04 Casual Labor Orders (Spot Jobs or Day Labor)**

Casual labor orders are anticipated to be less than four days and the nature of the job require no special training or equipment of the applicant.

**.05 Clearance Orders**

When an out-of-state employer requests recruitment assistance for out-of-state job openings, clearance orders are initiated. There are two types of clearance orders, agricultural and non-agricultural.

**A. Process for Agricultural Clearance Orders**

1. An order holding office or employer, in a state other than Arizona contacts a Wagner-Peyser employment service office.
2. The order taker obtains complete order information, and
3. Forwards it to Agricultural Service, site code 730A, to be reviewed for completeness and a wage rate check.
  - a. Agricultural Service may reject an order if it is untimely, if no local applicants are available, or if Arizona has several local employers searching for the same applicants.
  - b. The Agricultural Clearance Desk for statewide recruitment enters agricultural clearance orders, which are accepted, into the automated system.

**B. Process for Non-Agricultural Clearance Orders:**

1. The Employment Administration Policy and Training Unit approves non-agricultural orders.
2. The order-taker takes complete order information from the employer and enters the job order into the automated system with a "hold" status.
3. The Employment Administration Policy and Training Unit are notified before local office recruitment assistance is authorized (602-542-5954).
  - a. The Employment Administration Policy and Training Unit contacts the employment service in the employer's home state to:
    - (1) Inquire as to the employer's standing,
    - (2) Notify them of the employer's request for recruitment assistance in Arizona, and
    - (3) Gather information regarding prevailing wage and applicant availability.

- b. Based on information gathered, the Employment Administration Policy and Training Unit may then:
  - (1) Notify the order holding state to begin recruitment, and
  - (2) Authorize local office recruitment assistance.

#### **.06 Discriminatory Orders**

The following information defines discriminatory orders, provides the guiding policy, and outlines the process for handling these orders:

- A. A discriminatory order is one that indicates a preference or requirement for workers of a specific race, color, religion, sex, age, national origin, citizenship, physical or mental status unrelated to job performance, **except** if the requirement is a [Bona Fide Occupational Qualification](#) (BFOQ). This does not prevent an order from indicating a preference for veterans.
- B. An order may specify that applicants be United States' citizens if this requirement is based on a legal requirement of citizenship for workers in certain jobs and situations.
- C. Wagner-Peyser employment service may not recruit for a discriminatory job order. The Civil Rights Act of 1964, Arizona Civil Rights Law, Age Discrimination in Employment Act, the Americans with Disabilities Act (ADA), and Wagner-Peyser employment service policy prohibit discriminatory selection and referral of applicants on the basis of race, color, religion, sex, age, national origin, or disability. The policy for handling discriminatory orders is as follows:
  - 1. Advise the employer that the Civil Rights Act of 1964, Arizona Civil Rights Law, Age Discrimination in Employment Act, Americans with Disabilities Act (ADA), and Wagner-Peyser employment service policy prohibit selection and referral of applicants based on discriminatory specifications.
  - 2. Attempt to persuade the employer to withdraw the discriminatory specifications and to evaluate applicants solely on the basis of their ability to perform the required job.
  - 3. If the employer withdraws the discriminatory specification, the order-taker will accept the job order. The local office manager will be informed so that follow-up on that job order can be done to determine whether there is reason to believe the employer is discriminating in hiring practices.

4. If the employer refuses to withdraw the discriminatory specification:
  - a. Advise the employer that Wagner-Peyser employment service' can not make referrals on any order placed by that employer until the discriminatory specification has been withdrawn.
  - b. Complete a "Report of Apparent Violation" (JS-101) and give the job order and JS-101 to the local office manager.
  - c. The manager will notify staff that all services to the employer are suspended until the employer provides assurance that the discriminatory requirement will be removed.

#### **.07 Bona Fide Occupational Requirement/Business Necessity**

A Bona Fide Occupational Qualification (BFOQ) means that an employment decision or request based on sex, age, national origin, or religion is based on a finding that such characteristic is necessary to the individual's ability to perform the job in question. Wagner-Peyser employment service will accept job orders with discriminatory specifications if it is determined that the discriminatory specification in question is justified as a BFOQ. Since a BFOQ is an exception to the general prohibition against discrimination on the basis of sex, age, national origin, or religion, it must be interpreted narrowly in accordance with the Equal Employment Opportunity Commission regulations set forth at 29 CFR parts 1604, 1605 and 1627. Available in its entirety at:

[http://www.access.gpo.gov/narra/cfr/waisidx\\_05/20cfrv3\\_05.html#601](http://www.access.gpo.gov/narra/cfr/waisidx_05/20cfrv3_05.html#601)

**Note:** If any doubt or questions exist regarding a word or phrase that is given by an employer the order-taker should consult with his/her supervisor, manager or the Employment Administration Policy and Training Unit before entering the information into the system.

#### **.08 Enterprise Zone Orders**

An Enterprise Zone is a state program administered by the Arizona Department of Commerce to encourage creation of quality jobs and capital investment in distressed areas of the state. An Enterprise Zone order attempts to assist an employer to recruit applicants for a worksite within the boundaries of an Enterprise Zone. The following wording must be included in the summarized job description:

"Enterprise Zone employer – actively recruiting WIA and WOTC eligible individuals." "All qualified applicants will be considered."

**.09 Federal Contractor Job Listing (FCJL) Orders**

Federal contractors and subcontractors are required to list all job openings with Wagner-Peyser employment service, except executive and top management positions, positions that will be filled from within the contractor's organization, and positions lasting less than three days. This requirement applies to contractors and subcontractors with a covered federal contract or subcontract of \$100,000 or more.

**.10 Independent Contractor Orders**

Independent Contractors are defined in general terms, as individuals engaged in an independent trade, occupation, profession, or business. They may advertise their services, are in a position to realize a profit or suffer a loss as a result of their services, and may have a significant investment in the business. The employee may be responsible for the expense of non-reimbursed monies for the lease of equipment or the purchase of inventory, demonstration kits, or territories.

Independent contractor orders are placed in a "Business Opportunities Binder" in the Job Information section of the appropriate local office. The information regarding these opportunities are available to job seekers, but are not listed in the system.

**.11 Job Development Orders**

The following information defines job development orders and provides the guiding policy:

- A. Job development is defined as the process of securing a job interview with a public or private employer for a specific job seeker for whom the local office has no suitable opening on file.
- B. A job development order may be written when all of the conditions listed below apply. Wagner-Peyser employment service staff must have:
  - 1. Contacted an employer to promote hiring of a specific job seeker when no job order currently exists;
  - 2. Made arrangements for referral of the job seeker to the employer; and
  - 3. Verified with the employer that the job seeker was hired and started work.
- C. This is the only type of placement that is recorded without a prior job order.

- D. When all of the above conditions are satisfied, a job order is written with a referral and placement recorded. The job order will show one opening and one referral requested.

## **.12 Labor Dispute Orders**

This section provides the guiding policy for labor dispute orders:

- A. No referrals may be made on a job order, which will aid directly or indirectly, in filling openings, which are vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.
- B. Written notification is provided to any applicant referred to an employer during an ongoing labor dispute, stating that the position being offered is not part of the dispute.
- C. When a job order is received from an employer reportedly involved in a labor dispute involving a work stoppage, the local office will notify the Employment Administration Policy and Training Unit. The Policy and Training Unit will:
  - 1. Verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in the job order; and
  - 2. Notify all potentially affected staff concerning the labor dispute.
- D. Wagner-Peyser employment service shall resume full referral services when they have been notified of and verified with, the employer and workers' representative(s) that the labor dispute has been terminated.
- E. The Employment Administration Policy and Training Unit shall notify the regional office, in writing, of the existence of labor disputes which:
  - 1. Result in a work stoppage at an establishment involving a significant number of workers; or
  - 2. Involve multi-establishment employers with other establishments outside the reporting state.



**.13 Labor Organization Orders**

This section provides the guiding policy for labor organization orders:

- A. Orders requiring membership in a union (labor organization) as a condition of employment are in violation of Arizona law and cannot be accepted by Wagner-Peyser employment service. The order taker must inform the labor organization representative that union membership must not be a requirement for the job.
- B. As long as union membership is not required, orders may be taken from a labor organization if:
  - 1. The labor organization has specific openings with the employer, which corresponds with the openings on the job order;
  - 2. The specifications on the order correspond to the employer's specifications for filling the opening(s); or
  - 3. The information on the order is adequate for selection and referral of qualified applicants.
- C. The order must contain complete employer identifying information even though the applicants may be sent to the Union Hall to apply.
- D. The order-taker informs the labor organization representative that verification of order results are done with the employer, not the labor organization.

**.14 Mass Recruitment Orders**

The following information defines mass recruitment orders and provides the guiding policy:

- A. Mass recruitment orders are those orders with multiple openings or job classifications, which are entered into the system to satisfy an employer's need for specialized recruitment services from Wagner-Peyser employment service.

- B. Mass recruitments reflect special arrangements agreed upon by the employer and the designated Wagner-Peyser employment service representative. They may specify on-site recruitment locations, unique application or screening procedures, multiple openings, or the use of a recruitment “team”.
- C. If necessary, mass recruitment orders are supplemented by additional methods of making the community aware of the openings including, but not limited to media announcements of the employer’s openings, newspaper classified advertising initiated by the employer, television and radio public service announcements, and flyers.
- D. If an employer wishes to place an ad in the newspaper for any recruitment that directs applicants to Wagner-Peyser employment service, the ad must:
  - 1. Include the statements “Employer Paid Ad”, “ADA compliant”, and must contain EEOC information; and
  - 2. Be faxed to the Employment Administration Policy and Training Unit at fax number (602) 542-6310, for approval before the ad is published.
- E. If an employer wishes for Wagner-Peyser employment service to hand out a company application, it must be sent to the Employment Administration Policy and Training Unit for review to ensure it does not ask any illegal or discriminating questions.

#### **.15 Orders Requiring Fees and/or Investment Charges**

The following provides guiding policy as related to orders that require fees and/or investment charges.

- A. It is not unusual or inappropriate for employers to require applicants to provide certain “tools of the trade”; i.e., uniforms for nurses, tools for carpenters or mechanics, appropriate clothing for outdoor jobs, etc. These requirements are proper as the items are common to the occupation, can be purchased from any number of outlets and are transferable from job to job.

- B. There are other instances, however, in which the item in question is job specific and only available from that specific employer. The items required by these employers are unique to their companies and are not usable if the individual goes to work for any other employer. These items constitute an unacceptable charge to the applicant. Under such circumstances, order-takers do not accept the job orders. If the employer is willing to waive the charge or purchase requirement, then the job order will be accepted.

#### **.16 Out-of-state Job Openings**

When out-of-state employers request recruitment assistance for out-of-state job openings, clearance procedures are initiated. These procedures are included in the ["Clearance Order"](#) section.

#### **.17 Single Point of Contact (SPOC) Orders**

The following information defines Single Point of Contact (SPOC) orders and provides the guiding policy:

- A. A Single Point of Contact order is entered when, arrangements are made to restrict Wagner-Peyser employment service contact with an employer to a single Wagner-Peyser employment service entity.
- B. The order designates an individual Wagner-Peyser employment service representative, a unit in a local office, or a local office, as the contact entity. The job order's referral instructions clearly direct inquiries to the designated contact.
  - 1. An employer may request that the single point of contact do recruitment, selection, and referral; or
  - 2. An employer may request that the single point of contact do all verification of referrals.
- C. To identify the order as a Single Point of Contact order, the order taker enters "SPOC" in the unsuppressed job summary field.

#### **.18 Substandard Orders**

The following information defines substandard orders and provides the guiding policy:

- A. A substandard order is one that specifies terms of employment or working conditions, including wages and hours, below federal legal requirements or community standards for the type of work offered.

- B. Applicants are not recruited for substandard orders, nor are orders written into the automated system.
- C. The order-taker should tactfully explain to the employer that because of the job's substandard conditions, Wagner-Peyser employment service cannot assist with the recruitment.

### **.19 Replacement Order**

Employers may call on Wagner-Peyser employment service to recruit applicants to replace the person currently on the job and request that tact be used in contacting the employee and to appropriately advise the applicant being referred. The order-taker will mark these orders with the term "REPLACEMENT ORDER" in the Referral Instructions.

### **.20 Temporary Help Organization and Private Employment Agency Orders**

Wagner-Peyser employment service assists Temporary Help Organizations (THO) and Private Employment Agencies (PEA) with their recruitments by entering their listings in the automated system, after ensuring an "Agreement of Cooperation" (JS-306) has been processed and is on file. No referrals may be made, until all parties have completed and signed two originals of the agreement and they have been approved and signed by Employment Administration Policy and Training Unit. This procedure ensures that an applicant referred to a THO or PEA is not charged a fee. Questions regarding an Agreement of Cooperation may be addressed to the Employment Administration Policy and Training Unit at 602-542-5954.

## **304 PARTS OF AN ORDER**

This section pertains to the parts of an order including; identifying data, job descriptions, hiring requirements, contractual information, and referral instructions.

### **.01 Identifying Data**

This section describes identifying data to be used when developing an order.

- A. If an employer is already registered, the order-taker will ensure that all information is correct and up to date.
- B. At the time an order is received, staff must ask the employer if he/she wants his/her name and address to be displayed for self-referral broadcast or suppressed. If the employer will accept self-referrals, the appropriate system entry must be made.
- C. Include the job site name and address if it is different from the employer's.
- D. Describe the nature of employer's business.

- E. The only acceptable Employer ID to be used will be either the correct Federal Employer Identification Number (FEIN), according to the Tax Employer Accounting Multi-System (TEAM) booklet or an assigned pseudo FEIN.
- F. Determine if the employer wishes their identifying data to be suppressed or broadcast.

## **.02 Job Description**

This section describes information to be included in the job description.

- A. Provide a sufficient description of work to be performed in order to identify the job and determine what is required of the worker to perform the job duties.
  - 1. The interviewer needs a complete, coherent description of the following:
    - a. The experience required,
    - b. The skills required,
    - c. Other needed information such as: tools, licenses, etc., and
    - d. What the worker will be doing to perform the job.
  - 2. Another point to remember about the job summary is to include only statements that are job related and consistent with business necessity. Failure to ensure that statements that do not fit these two conditions are excluded could place Wagner-Peyser employment service in the position of unlawfully discriminating on behalf of the employer.
- B. Appropriate O\*NET code [O\\*NET - Occupational Information Network Resource Center](#).
- C. Speed and/or accuracy requirements.
- D. Unusual or special working conditions.
- E. Number of openings and the number of referrals allowed per opening.

**.03 Hiring Requirements**

This section gives information regarding hiring requirements. The following should be included:

- A. Licenses and certificates necessary to perform the job tasks,
- B. Tools and equipment required to perform the job tasks, and
- C. Educational requirements to perform the job tasks.

**.04 Contractual Information**

The following should be considered regarding contractual information:

- A. Days, hours, and duration of work,
- B. Overtime requirements,
- C. Method of wage payment; e.g., per hour/per month, etc.
- D. Rate of pay, and
- E. Training and employee benefits.

**.05 Referral instructions**

The order-taker will obtain detailed information on when, how, and by whom the employer wishes to be contacted.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 400**

**SUBJECT: COMPLAINTS AND DISCONTINUATION OF SERVICES**

### **400 COMPLAINTS AND DISCONTINUATION OF SERVICES**

This section provides the guiding policy for complaints and discontinuation of Wagner-Peyser employment service for employers. This portion also contains information on the types of complaints, requirements for complaints, and the assignment of Wagner-Peyser employment service complaints. Initial procedures for Wagner-Peyser related complaints at the local office level are discussed, as well as the actions to be taken when referring Wagner-Peyser related complaints. The process of transferring complaints to the appropriate local office and the policy for state office procedures are addressed in this segment. Discontinuance and reinstatement of Wagner-Peyser employment service to employers are also outlined.

### **401 DISTRIBUTION OF RESPONSIBILITIES**

The Department of Economic Security – Employment Administration (DES/EA) will establish and maintain a Wagner-Peyser employment service complaint system pursuant to Department of Labor (DOL) regulations, 20 CFR 658 Subparts E and F and 653.113 available at [20 CFR Ch. IV \(4-1-05 Edition\)](#). Wagner-Peyser employment service complaints may be filed in any Wagner-Peyser employment service office or with the DES/EA Monitor Advocate.

#### **.01 The Employment Administration**

The Employment Administrator will have overall responsibility for the operation of the Wagner-Peyser employment service complaint system. This administration will assure that information pertaining to the use of the Wagner-Peyser employment service complaint system is publicized with oral and written presentations and by prominently displayed Wagner-Peyser employment service complaint posters in each local office. Wagner-Peyser employment service will work with the applicant and employer to gain resolution of a complaint or apparent violation. Informal resolution is the preferred method of dealing with complaints.

#### **.02 The Local Office Manager**

The local office manager will be responsible for management of the complaint system at the local level. Wagner-Peyser employment service will work with the applicant and employer to gain resolution of a complaint or apparent violation. Informal resolution is the preferred method of dealing with complaints.

**.03 The State Monitor Advocate**

The State Monitor Advocate is the official complaint specialist and performs the following services in the complaint process:

- a. Logging in complaints,
- b. Monitoring the process, and
- c. Investigating complaints and reports of apparent violations for timely resolution.

**402 COMPLAINTS**

This section discusses the types of complaints, requirements for handling complaints, and the assignment of complaints that are handled by Wagner-Peyser employment service.

**.01 Types of Complaints**

The following information describes the types of complaints that are handled by the Wagner-Peyser complaint system:

A. Employer Related Complaints

This type of complaint is made against the employer by an applicant who has been referred by Wagner-Peyser employment service for a position advertised by the employer. The complaint alleges violations of the terms and conditions of the job order or employment related laws.

B. Agency Related Complaints

This type of complaint is made against the Wagner-Peyser employment service alleging actions or omissions under Wagner-Peyser employment service regulations.

C. Other

This type of complaint alleges violations of employment related laws enforced by Employment Standards Administration (ESA) of Occupational Safety & Health Administration (OSHA) and will be taken in writing by the DES/EA or the EA Regional office and referred to ESA or OSHA.



**.02 Requirements for Handling Complaints**

Wagner-Peyser employment service related complaints will be handled to resolution if the alleged incident:

- A. Occurred within twelve months of the applicant's referral to the employer, and
- B. Was reported to Wagner-Peyser employment service within twelve months of the alleged incident.

**.03 Assignment of Wagner-Peyser Employment Service Related Complaints**

This segment provides the guiding policies for the assignment of Wagner-Peyser employment service related complaints at the local office and the DES/EA office.

- A. Assignment of complaints to local office personnel are as follows:
  - 1. Employer related complaints alleging unlawful discrimination by race, color, religion, national origin, sex, age, physical or mental status unrelated to job performance will be assigned to the local office. Wagner-Peyser employment service staff will refer these complaints alleging discrimination by employers to the Equal Employment Opportunity Commission (EEOC) or the appropriate agency.
  - 2. All agency-related complaints will be handled by the local office manager or designee.
  - 3. Agency related complaints alleging discrimination on the basis of race, color, religion, national origin, sex, age, physical or mental status, political affiliation or belief, and citizenship are filed directly with the Directorate of Civil Rights. Wagner-Peyser employment service staff will instruct the complainant to complete a DL Form 1-2014a, "Complaint Information Form".

Directorate of Civil Rights  
US Department of Labor  
200 Constitution Avenue, NW  
Room N-4123  
Washington, DC 20210

**Note:** The Wagner-Peyser employment service office will log the DL Form 1-2014a on the UB-148 "Confidential Complaint Log".

- B. Assignment of complaints to DES/EA office personnel are as follows:
1. Copies of Wagner-Peyser employment service related complaints will be assigned to the State Monitor Advocate and, where appropriate, handled in accordance with 29 CFR part 31 available at:  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_05/29cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/29cfrv1_05.html)
  2. The State Monitor Advocate will follow up monthly with the EEOC representative or with the responsible enforcement agency regarding Migrant Seasonal Farm Workers (MSFW) complaints or quarterly regarding all other types of complaints. The State Monitor Advocate shall provide a periodic status update to the local offices regarding all complaints.
  3. The State Monitor Advocate will assign complaints involving all employers (except agricultural) to the DES/EA Policy and Training Unit.

### **403 INITIAL PROCEDURES**

This section illustrates the guiding policy on the initial procedures, referrals, and actions taken on Wagner-Peyser related complaints at the local office level.

#### **01. Initial Procedures for Wagner-Peyser Related Complaints at the Local Office Level**

This section explains the policy for the initial procedures and referrals for Wagner-Peyser related complaints at the local office level.

- A. The local office will maintain form ES-260, "Complaints Logged with Job Service", for all Wagner-Peyser related complaints.
- B. Form ETA-8429, "Employment Service Complaint/Referral Record", will be used to document any complaint received on behalf of a MSFW, alleging violations of employment related laws enforced by ESA or OSHA.
- C. A Wagner-Peyser employment service staff member will be available during regular office hours to take complaints in each local office. Best practices denote the following actions are taken:
  1. Offer to explain the Wagner-Peyser complaint process,
  2. Complete form ETA-8429, "Employment Service Complaint/Referral Record", for all complaints involving a MSFW, and
  3. Offer bilingual assistance, if needed.

- D. All actions taken on a complaint must be thoroughly documented and contain the following information:
  - 1. All services provided,
  - 2. Related correspondence,
  - 3. Phone calls,
  - 4. Forms, and
  - 5. Reports.
- E. If the complainant also represents several complainants, all such complainants will be named on the complaint form. The representative complainant will sign the completed form.
- F. The identity of the complainant(s) and any person(s) who furnish information relating to, or assisting in, an investigation of a complaint will be kept confidential to the maximum extent possible.
- G. Every effort should be made to obtain all the information necessary to investigate the complaint.
  - 1. Request the complainant provide all contact information as to where he/she may be reached during the complaint investigation.
  - 2. Explain the need to maintain contact during the complaint investigation.
- H. When the complaint specialist receives a complaint in any form that is signed by the complainant and includes sufficient information to initiate an investigation, the document will be accepted and carry the same weight as a complaint form filed in person by the complainant.
  - 1. The complaint specialist will send a confirmation letter to the complainant.
  - 2. If the complainant has not provided sufficient information to investigate the matter expeditiously, the complaint specialist will request additional information.
- I. Copies of the completed complaint form will be provided to the complainant and the State Monitor Advocate.

**.02 Referrals**

The complaint specialist will assist the complainant through the complaint process by providing the following appropriate services or referrals:

- A. Referral to another job, this action must be documented using form ETA-8429, "Employment Service Complaint/Referral Record".
- B. Attempt to resolve the complaint.
- C. If the complaint concerns violations of an employment related law, the local office will:
  - 1. Refer the complaint to the appropriate enforcement agency,
  - 2. Notify the complainant in writing of the referral, and
  - 3. Send a copy of the complaint to the State Monitor Advocate.
- D. The State Monitor Advocate will:
  - 1. Follow up monthly with the enforcement agency regarding MSFW complaints,
  - 2. Follow up quarterly regarding all other types of complaints, and
  - 3. Report the status of the complaint to the Wagner-Peyser offices.
- E. If the enforcement agency makes a final determination that the employer violated an employment related law, the DES/EA Administrator will:
  - 1. Initiate procedures for discontinuance of services immediately, and
  - 2. Notify the complainant and the employer of this action.
- F. If the complaint is filed initially in a local office, the local office will investigate and attempt to resolve the complaint immediately upon receipt. The time frames for local office resolution are as follows:
  - 1. Five working days for MSFW complaints, and
  - 2. Fifteen working days for all other types of complaints.
- G. Immediate elevation may be required for some complaints.
- H. If resolved at the local office level within the time frames indicated:
  - 1. Do not elevate to the enforcement agency, and

2. Document the result and send a copy to the Monitor Advocate.
- I. The local office will notify the complainant and the respondent, in writing, of the results of its investigation and of the referral to the DES/EA.

#### **404 CASE ASSIGNMENT AND REFERRAL OF NON WAGNER-PEYSER RELATED COMPLAINTS**

This section pertains to transferring complaints to the correct local office and the referral of non Wagner-Peyser related complaints.

##### **01. Transferring Complaints**

This section provides the guiding policy for transferring complaints to the appropriate local office.

- A. The office to handle the complaints should be the local office serving the area in which the employer is located.
- B. If the complaint is filed with a Wagner-Peyser employment service office other than the office serving the local area of the employer:
  1. The office receiving the complaint and the employer's local area office should coordinate attempts for a resolution.
  2. The office receiving the complaint should elevate the complaint to the appropriate enforcement agency when an informal resolution is not possible.
- C. When a Wagner-Peyser related complaint deals with an out of state employer or an out of state Wagner-Peyser agency, the State Monitor Advocate:
  1. Will send a completed form ETA-8429, "Employment Service Complaint/Referral Record", and copies of any relevant documents to the out of state agency, and
  2. Will send copies of the referral letter to the ETA Regional Office(s) with jurisdiction over the transferring and receiving state agencies.

**.02 Referral of Complaints Not Related to Arizona's Wagner-Peyser Employment Service**

To facilitate the operation of the coordinated enforcement procedures established by 29 CFR part 42 available at: [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/29cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/29cfrv1_05.html), the local Wagner-Peyser employment service office will:

- A. Accept complaints submitted in writing and not related to Arizona's Wagner-Peyser employment from a MSFW alleging violations of employment, related laws enforced by ESA or OSHA.
- B. Accept complaints alleging violations of other labor related laws, as noted on the Complaint Referral Guide.
- C. The Wagner-Peyser employment service staff member will immediately refer complaints for prompt action.
- D. The Wagner-Peyser employment service staff member shall inform the MSFW of the enforcement agency (and the individual, if known) to which the complaint will be referred.
- E. Refer the complainant to other agencies, an attorney, a consumer advocate, and/or other assistance as appropriate.
- F. Upon receipt of all other complaints not related to Arizona's Wagner-Peyser employment service, staff will refer the complainant to the appropriate enforcement agency, another public agency, an attorney, a consumer advocate, and/or other appropriate assistance.
- G. For all complaints, Wagner-Peyser employment service staff will record the complainant and the agency to which the complainant was referred, using form ES-260, "Complaints Logged with Job Service".

**405 STATE OFFICE PROCEDURES AND COMPLAINT RESOLUTION**

This section describes state office procedures and complaint resolution.

**.01 State Office Procedures**

This segment provides the state office procedures regarding complaints.

- A. If the complaint is filed initially with the DES/EA office and is not transferred to a local office or referred to an enforcement agency, the State Monitor Advocate will investigate and attempt to resolve the complaint immediately upon receipt

- B. The Monitor Advocate will attempt resolution of MSFW complaints within twenty working days after the complaint was received.
- C. All complaints not related to a MSFW may be delegated to EA staff or elevated to enforcement agencies, if resolution at the State office level has not been accomplished within thirty working days.
- D. The State Monitor Advocate will make a written determination regarding the complaint and will send copies to the complainant and the respondent.
- E. The determination must be sent by certified mail and must include the following:
  - 1. Results of the DES/EA investigation,
  - 2. Conclusions reached on the allegations of the complaint, and
  - 3. An explanation of why the complaint was not resolved, if applicable.
  - 4. When the complaint is against an employer and the State Monitor Advocate has found the employer to have violated Wagner-Peyser regulations, the determination will provide notification of discontinuation of services to this employer.
  - 5. When the complaint is against an employer and the State Monitor Advocate has found the employer not to be in violation of Wagner-Peyser regulations, the determination will inform the complainant of his/her right to request a hearing within twenty working days after the certified date of receipt of the notification.
  - 6. When the complaint is against the DES/EA, notification will be sent to the complainant informing him/her of their right to request, in writing, a hearing within twenty working days after the certified date of receipt of the notification.

**Note:** Wagner-Peyser will not require a complainant to return the DL Form 1-2014a, "Complaint Information Form. To do so may be construed as intimidation, interference, coercion, or restraint of the complainant.
- F. If the DES/EA receives a written request for a hearing within the time specified above:
  - 1. The DES/EA will refer the complaint to a State hearing official for hearing.
  - 2. The parties to whom the determination was sent (DES/EA may also be a party) shall then be notified, in writing, by the DES/EA of:

- a. The date, time and place of the hearing,
- b. The attorney or person representing the parties,
- c. Witnesses and evidence being presented at the hearing.

## **.02 Complaint Resolution**

A Wagner-Peyser complaint is considered resolved when:

- A. The complainant indicates satisfaction with the outcome,
- B. The complainant chooses not to elevate the complaint to the next level or review,
- C. The complainant or the complainant's authorized representative fails to respond within twenty working days or if the complainant is an MSFW, the response is due within forty working days.
- D. The complainant exhausts the final level of review, or
- E. A final determination has been made by the enforcement agency to which the complaint was referred.

## **406 DISCONTINUATION AND REINSTATEMENT OF SERVICES TO EMPLOYERS**

This section discusses reporting apparent violations, discontinuation of services, and reinstatement of services to employers.

### **.01 Report of Apparent Violation**

This section provides the guiding policy on reporting apparent violations.

- A. When an employee of Wagner-Peyser employment service observes, has reason to believe, or has information regarding a suspected violation of employment related laws or Wagner-Peyser regulations by an employer, Wagner-Peyser employment service will:
  1. Document the suspected violation using form JS-101, "Report of Apparent Violation", and/or
  2. Document the complaint using form ETA-8429, "Employment Service Complaint/Referral Record".
- B. The local office will attempt an informal resolution if the employer has filed a job order with the Wagner-Peyser office within the past twelve months.



1. The local office will elevate the violation to DES/EA for initiation of discontinuance of services procedures if the employer does not remedy the suspected violations within five working days.
  2. The violation shall be referred by DES/EA to the appropriate enforcement agency in writing if a violation of an employment related law is involved.
  3. The suspected violation of an employment related law shall be referred to the appropriate enforcement agency in writing by DES/EA if the employer has not filed a job order with the local office during the past twelve months.
- C. Date and annotate all actions taken and identify individuals contacted using form JS-101, "Report of Apparent Violation". If space is not available, add an attachment.
- D. The State Monitor Advocate will log in reports of apparent violations.
- E. Apparent violations, other than those involving a MSFW, will be forwarded to the DES/EA Policy and Training Unit for resolution or initiation of discontinuance of services.

## **.02 Discontinuation of Services to Employers**

When there has been an employer violation of employment related laws or Wagner-Peyser regulations, the employer will be notified, in writing, that all Wagner-Peyser employment service will be discontinued within twenty working days, unless the employer complies.

- A. Wagner-Peyser employment service may initiate the discontinuance of services to employers for the following reasons:
1. An employer has submitted and refuses to alter or withdraw job order(s) containing specifications which are contrary to employment related laws. The Policy and Training Unit will notify the employer, in writing, that Wagner-Peyser employment service will be discontinued within twenty working days unless the employer takes one of the following actions within that time:
    - a. Provides adequate evidence that the specifications are not contrary to employment related laws,
    - b. Withdraws the specifications and resubmits the job order in compliance with all employment related laws,
    - c. Makes assurances that all future job orders submitted will be in compliance with all employment laws, or

- d. Requests a hearing.
2. An employer has misrepresented the terms or conditions of employment specified on the job order. Wagner-Peyser employment service shall notify the employer of the specific terms and conditions which have not been met. Compliance will be met if the employer:
- a. Provides adequate evidence that terms and conditions of employment were not misrepresented,
  - b. Provides adequate evidence that there was full compliance,
  - c. Provides a resolution of a Wagner-Peyser related complaint that is satisfactory to the complainant,
  - d. Provides adequate assurance that specifications on future orders will accurately represent the terms and conditions of employment and that there will be full compliance with all job orders, or
  - e. Requests a hearing.
3. A final determination by an appropriate enforcement agency has found violation of employment related laws. The Central office will send a copy of the determination to the employer. Compliance will be met, if the employer:
- a. Provides adequate evidence that the enforcement agency has reversed its ruling and the employer did not violate employment related laws,
  - b. Provides adequate evidence that restitution has been made, and
  - c. Provides assurances that any policies, procedures, or conditions responsible for the violation have been corrected and the same or similar violations are not likely to occur in the future.
4. The employer has been found in violation of Wagner-Peyser regulations and has been notified of the findings. Compliance will be met if the employer:
- a. Provides adequate evidence that he/she did not violate Wagner-Peyser regulations,
  - b. Provides adequate evidence that restitution has been made or remedial action taken,

- c. Provides assurances that any policies, procedures, or conditions responsible for the violation have been corrected and the same or similar violations are not likely to occur in the future, or
    - d. Requests a hearing.
  - 5. The employer refuses to accept qualified workers referred through the clearance system. Wagner-Peyser will notify the employer indicating who was referred and not accepted. Compliance will be met, if the employer:
    - a. Provides adequate evidence that the workers were accepted,
    - b. Provides adequate evidence that the workers were not available to accept the job,
    - c. Provides adequate evidence that the workers were not qualified,
    - d. Provides adequate assurances that qualified workers referred in the future will be accepted, or
    - e. Requests a hearing.
  - 6. The employer refuses to cooperate during a field check. Wagner-Peyser will notify the employer and specify the lack of cooperation. Compliance will be met, if the employer:
    - a. Provides adequate evidence that he did cooperate,
    - b. Cooperates immediately in the conduct of field checks,
    - c. Provides assurances of cooperation in future field checks, or
    - d. Requests a hearing from the DES/EA.
  - 7. The employer repeatedly causes the initiation of the procedures for discontinuation of services. Wagner-Peyser employment service will notify the employer that services have been terminated.
- B. If the employer chooses to respond to the notification of discontinuation of service by providing documentary evidence or assurances, he/she must request a hearing. The hearing request will be needed in the event that the DES/EA does not accept the documentary evidence or assurances as adequate.

- C. Wagner-Peyser employment service shall notify the complainant whenever the discontinuation of service is based on a complaint.
- D. The EA Administrator shall terminate services to the employer, if the employer does not provide a satisfactory response within twenty working days or has not requested a hearing.
- E. Wagner-Peyser employment service, with the approval of the EA Administrator, may discontinue services immediately to an employer when he/she has exhausted the administrative complaint process.
- F. If services are discontinued to an employer, subject to Federal Contractor Job Listing Requirements, the EA Administrator will notify the ETA Regional Office immediately.
- G. The EA Administrator will notify the ETA Regional Administrator of employers, who are alleged to have not complied, with the terms of the Federal Temporary Labor Certification Regulation. This will result in an investigation and consideration of ineligibility for subsequent temporary certification.

### **.03 Reinstatement of Services**

Services may be reinstated to an employer by the EA Administrator after discontinuation of service if:

- A. Wagner-Peyser employment service is ordered to do so by a Federal Administrative Law Judge or an ETA Regional Administrator,
  - 1. The employer provides adequate evidence that any policies, procedures, or conditions responsible for the previous discontinuation of service have been corrected and that the same or similar difficulties are not likely to occur in the future, and
  - 2. The employer provides adequate evidence that he/she has paid restitution and any fines that caused the discontinuation of service.
- B. The EA Administrator will notify the employer requesting reinstatement, within twenty working days, whether his request has been granted.
- C. The basis for the denial will be specified and the employer will be notified that he/she may request a hearing within twenty working days, if the EA Administrator denies the request for reinstatement.
- D. The EA Administrator will proceed with hearing procedures if the employer makes a timely request for a hearing.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 500**

**SUBJECT: SELF-APPRAISAL SYSTEM**

### **500 SELF-APPRAISAL SYSTEM**

Federal regulations found at 20 CFR 658.601 20 CFR Ch. IV (4-1-05 Edition) require Wagner-Peyser employment service to develop a self-appraisal system to determine success in reaching goals and to correct deficiencies in performance. The self-appraisal system is based upon a comparison of planned activity levels as stated in the State Program and Budget Plan (PBP) and accomplished results. Self-Appraisal provides a basis for the measurement of anticipated performance in terms of end results that assist the job seeker in obtaining suitable employment and the employer in obtaining suitable applicants.

### **501 LOCAL OFFICE SELF-APPRAISAL**

Local office responsibilities under the self-appraisal system include a quarterly numerical review and an annual non-numerical review. The numerical review tracks key performance measures. The non-numerical review focuses on compliance with federal requirements and quality of services.

#### **.01 Numerical Review**

A numerical review is conducted at least quarterly at the local office level. It provides a systematic method for analyzing data on employment service operations in order to determine service level adequacy. The results of this review can further be interpreted in terms of non-numerical information in order to gain a more informed perspective on performance.

- A. The self-appraisal should determine and identify:
1. The extent to which goals and objectives established in the Plan of Service are being met,
  2. The quantity and quality of service provided,
  3. Optimum allocation and utilization of staff,
  4. Local problems and obstacles to operating effectiveness,
  5. Needed actions and adjustments to the Plan of Service to improve effectiveness,
  6. Factors contributing to achievement of successful results,
  7. Factors contributing to non-achievement of successful results, and

8. A corrective action plan and follow-up, as necessary.

B. Numerical Measures

1. Performance must be measured against planned service levels as stated in the PBP.
2. In addition, supplemental measures may be used to determine quality and equity of services.
3. All measures will be reviewed and amended as necessary every year in June.

C. Variance Analysis

Regulations require that significant variances from planned service levels be identified and explained. For the purpose of the self-appraisal system, a negative performance variance of twenty percent or more is defined as significant.

After significant variances have been identified, further data analysis on those activities falling below the acceptable range is required. It is necessary to identify factors resulting in the variance and to decide appropriate corrective action. Specifically, this analysis will:

1. Help to determine if the significant variance from the plan is an isolated problem, rather than an indication that a more pervasive problem exists,
2. Enable staff to more precisely determine corrective actions needed,
3. Identify economic and environmental factors, partially controlled or uncontrolled by the local office that have an impact on performance levels,
4. Provide feedback on the accuracy of the operational goals set by various state administrative levels, and
5. Help increase overall planning reliability.

D. Quarterly Review Worksheet

The Quarterly Review Worksheet is designed to compare actual local office performance against planned levels for each indicator. If significant variances are identified in any activity, further analysis and justification is required. A corrective action plan addressing any negative variance is also required.

- E. Upon completion of the numerical analysis, local office review findings should be submitted to the District Office.
- F. The Local Office Manager ensures that local office numerical reports are conducted quarterly.

## **.02 Non-Numerical Review**

The purpose of the non-numerical review is to determine compliance with federal regulations and to review quality of service in terms of the standards listed at 20 CFR 658.601(a)(3)(ii) [20 CFR Ch. IV \(4-1-05 Edition\)](#).

- A. The appraisal focuses on the non-numerical standards cited in the regulations as follows:
  - 1. Appropriateness of services provided to applicants and employers,
  - 2. Timely delivery of services to applicants and employers,
  - 3. Staff responsiveness to individual applicant and employer needs,
  - 4. Accuracy of documents prepared in the course of service delivery, and
  - 5. Effectiveness of Wagner-Peyser employment service interface with external organizations.
- B. To assist the local office in determining Wagner-Peyser employment service regulation compliance, a "Local Office Review Non-Numerical Self Appraisal" is used. Points to consider when using the checklist include:
  - 1. Most of the questions are written so that a "no" response indicates a potential deficiency.
  - 2. Reviewers are instructed to comment on all "no" answers or those indicating a deficiency.
  - 3. Further investigation may be required before the cause of a deficiency is understood.
- C. Upon completion of the annual non-numerical analysis, local office review findings and corrective action plans for negative significant variances should be elevated to the district level.
- D. The Local Office Manager ensures that local office non-numerical reports are conducted annually.

**502 DISTRICT OFFICE SELF-APPRAISAL**

The district office must review the local office quarterly numerical analysis results and annual non-numerical review reports. The district should approve or disapprove local office reports on the basis of this review and notify the local office of its decision as soon as possible. If technical assistance is required and expertise is not available at the district level, a request should be forwarded for Central Office assistance.

**.01 Factors of the Review**

The review should cover the following factors:

- A. Thoroughness
  - 1. Did the analysis include a review of possible contributing factors for weaknesses?
  - 2. Were all sources of information used?
- B. Validity of Findings
  - 1. Are conclusions firmly based on data?
  - 2. Could other explanations be drawn from available information?
  - 3. Is additional analysis needed?
- C. Duration of Problems
  - 1. Have previous appraisals identified the same problems?
  - 2. How long have these problems been occurring?
- D. Adequacy of Corrective Actions
  - 1. Are all identified deficiencies addressed in the corrective action plan?
  - 2. Are corrective actions appropriate to the problems they are designed to remedy?
  - 3. Are actions specific?
  - 4. Is responsibility for implementing corrective actions clearly defined?
  - 5. Are timeframes specified?



**.02 District Office Responsibilities**

The district office is responsible for conducting periodic reviews. The reviews will ensure that local offices have received the required technical assistance and that the appropriate corrective actions have been implemented. Reviews may include the review of document, records, and/or on-site office reviews.

- A. The district is responsible for reporting in writing to the Central Office, local office appraisal results both numerical and non-numerical.
  - 1. District offices must submit the final written numerical reports to Central Office by the end of the month following the end of a quarter.
  - 2. Non-numerical written reports are due on July 31.
- B. Reports should summarize, by local office:
  - 1. Key strengths and deficiencies,
  - 2. Corrective actions being taken, and
  - 3. District follow-up plans.
- C. The District Manager is responsible to ensure that self-appraisal responsibilities for his/her District are discharged.

**503 CENTRAL OFFICE SELF APPRAISAL**

The Central Office is responsible for four basic functions; review of district performance, numerical appraisal of statewide performance, non-numerical appraisal of Central Office activities, and review of local office operations.

**.01 Review of District Performance**

The Central Office receives information on local office performance from district offices quarterly for numerical performance and annually for non-numerical performance. Analysis of these reports, together with information from other sources, should trigger the Central Office review of local offices experiencing serious problems.

- A. Central office reviews should cover:
  - 1. District Trends
    - a. Are certain types of strengths or weaknesses common among offices within a specific district?

- b. To what degree might the District support services be responsible?
    - c. Does the District recognize the strengths and weaknesses?
    - d. Does the District request technical assistance from Central Office?
  - 2. Trends by Office Type
    - a. Are certain types of strengths common among offices of a specific type i.e., urban vs. rural?
    - b. Are certain types of weaknesses common among offices of a specific type?
  - 3. Statewide Trends
    - a. Are certain strengths or weaknesses common with regard to the state as a whole?
    - b. Have any recent changes in State organization, policies, or procedures been a contributing factor?
  - 4. District Follow-Up
    - a. Is the district providing adequate follow-up to local office corrective actions?
    - b. Are onsite reviews conducted for situations requiring an onsite review?
- B. The Central Office and the District Office should conduct joint onsite reviews of local offices experiencing problems of a continuing nature.
  - 1. The Central Office may also elect to review local offices demonstrating high performance. A review of high performers will contribute to an understanding of factors leading to success and may identify high performance techniques, which are transferable to other sites.
  - 2. The onsite review should include:
    - a. A Preliminary Analysis
      - (1) Prior preparation will save time and limit disruption at the Local Office.
      - (2) The need for any materials, reports, etc. should be assessed and the documents complied.

- b. A pre-onsite team meeting is held when more than one staff person is involved in the review. The meeting should cover logistical arrangements, results of preliminary analysis, and team member assignments.
- c. A local office introductory meeting should be conducted with the local office manager and any staff the manager wishes to include. The purpose of the introductory meeting includes the following:
  - (1) Introducing staff,
  - (2) Explaining the purpose of the review,
  - (3) Explaining the procedures to be followed, and
  - (4) Eliciting basic local office information from the local office manager.
- d. A Review of Documents and Interviewing:
  - (1) Most document reviews should be completed before local office staff are interviewed, so that necessary follow-up can be conducted if problems are found.
  - (2) The reviewer should carefully summarize the results of document reviews and interviews.
  - (3) Written summaries are important to support findings presented during the exit meeting and in the final report.
- e. A team debriefing should be held to discuss findings in preparation for the exit meeting. Findings from several sources should be synthesized and tentative conclusions on adequacy of services should be drawn.
- f. An exit meeting should be conducted with the local office manager and any staff the manager wishes to include.
  - (1) The exit meeting should be conducted in a constructive tone.
  - (2) All findings should be covered including areas of strength and deficiencies.
  - (3) After describing the problems found, the reviewer(s) may offer initial recommendations and technical assistance.

- g. A written report should cover all aspects of the review.
  - (1) Local office strengths, as well as weaknesses, should be discussed.
  - (2) The basis for conclusions on the adequacy of services should be clearly stated.
  - (3) A draft corrective action plan may be included as an aid to local and district management in devising a strategy to remedy problems.
- h. A Plan for Conducting Follow-Up
  - (1) For serious deficiencies, the Central Office may elect to conduct a follow-up review onsite.
  - (2) Other options are:
    - (a) Assigning the district office responsibility for follow-up,
    - (b) Conducting a desk review, or
    - (c) Requiring the local office manager to submit a report describing the results of corrective actions.
- C. The Employment Administration Administrator has the final responsibility for ensuring that the self-appraisal system is implemented statewide.
- D. The Policy and Training Unit Manager is responsible for coordination and oversight of the appraisal system at the state office level.

## **.02 Numerical Appraisal of Statewide Performance**

The Central Office numerical review mirrors numerical activities at the local office level. Measures that must be included in this analysis are those activity levels required for PBP planning purposes.

- A. Actual activity levels should be compared to planned levels.
  - 1. Negative variances of twenty percent or more should be identified.
  - 2. Possible contributing factors to these variances should be described.
- B. Several approaches can be used in dealing with any statewide deficiencies identified in this process.

1. Deficiencies, for example, may trigger an in-depth analysis of Central Office program activities in the low performance area.
2. Corrective actions may call on Central Office staff to:
  - a. Clarify operating procedures,
  - b. Revoke directives that serve as inhibitors of local office performance, or
  - c. Increase training and technical support efforts.
- C. Another approach is to analyze district summaries of local office quarterly reviews to ensure that local offices are identifying the same deficiency and are using appropriate means to remedy the problem.

### **.03 Non-Numerical Appraisal of Central Office Activities**

The Central Office is required to conduct annual non-numerical reviews of its activities. The Annual Central Office Wagner-Peyser Employment Service Checklist should be used. As a result of these assessments, weaknesses are to be identified and corrective action taken as necessary. The reviews should be focused on assessing Central Office operations for compliance with Federal regulations and assessing progress made on annually established work plans for Central Office staff.

### **.04 Onsite Review of Local Office Operations**

The Central Office should conduct onsite reviews of each local office every four years. The onsite review format should consist of:

- A. A Preliminary Analysis
  1. Prior preparation will save time and limit disruption at the local office.
  2. The need for any materials, reports, etc. should be assessed and the documents compiled.
- B. A pre-onsite team meeting is held when more than one staff person is involved in the review. The meeting should cover logistical arrangements, results of preliminary analysis, and team member assignments.
- C. A local office introductory meeting should be conducted with the local office manager and any staff the manager wishes to include. The purpose of the introductory meeting includes the following:

1. Introducing staff,
  2. Explaining the purpose of the review,
  3. Explaining the procedures to be followed, and
  4. Eliciting basic local office information from the local office manager.
- D. Review of Documents and Interviewing:
1. Most document reviews should be completed before local office staff are interviewed, so that necessary follow-up can be conducted if problems are found.
  2. The reviewer should carefully summarize the results of document reviews and interviews.
  3. Written summaries are important to support findings presented during the exit meeting and in the final report.
- E. A team debriefing should be held to discuss findings in preparation for the exit meeting. Findings from several sources should be synthesized and tentative conclusions on adequacy of services should be drawn.
- F. An exit meeting should be conducted with the local office manager and any staff the manager wishes to include.
1. The exit meeting should be conducted in a constructive tone.
  2. All findings should be covered areas of strength, as well as deficiencies.
  3. After describing the problems found, the reviewer(s) may offer initial recommendations and technical assistance.
- G. A written report should cover all aspects of the review.
1. Local office strengths, as well as weaknesses, should be discussed.
  2. The basis for conclusions on the adequacy of services should be clearly stated.
  3. A draft of the corrective action plan may be included as an aid to local and district management in devising a strategy to remedy problems.

H. A Plan for Conducting Follow-Up

1. For serious deficiencies, the Central Office may elect to conduct a follow-up review onsite.
2. Other options are:
  - a. Assigning the district office responsibility for follow-up,
  - b. Conducting a desk review, or
  - c. Requiring the Local Office Manager to submit a report describing the results of corrective actions.

**504 Corrective Action Plans**

The responsibility for a corrective action rests with the District Office to ensure local office compliance with requirements. Technical assistance in developing a corrective action plan may be requested from the Central Office. Self-appraisal regulations require that this process be formalized when quarterly numeric and annual non-numerical reviews indicate deficiencies. Corrective action plans developed to address deficiencies shall include:

- The type of action to be taken,
- The time frame involved,
- The assignment of responsibility,
- Provisions for the delivery of technical assistance as needed, and
- Timely follow-up to determine if actions taken to correct the deficiencies have been successful.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 600**

**SUBJECT: COMMON MEASURES/COMMON MESSAGE**

### **600 COMMON MEASURES/COMMON MESSAGE**

Arizona's One-Stop partners including the Workforce Investment Act (WIA), the Wagner-Peyser Act, the Veterans' Employment and Training Service (VETS), the Trade Adjustment Assistance (TAA), and the Migrant Seasonal Farm Workers (MSFW) programs adhere to the common performance measures policy of the United States Department of Labor, Employment and Training Administration (ETA). The following policies provide guidance and clarification on the performance accountability system under state formula-funded programs. In addition, this section outlines common measures with emphasis on the importance of integration of the services of the One-Stop partners and accurate federal reporting.

### **601 AUTHORITY**

The United States Department of Labor, Employment and Training Administration's (ETA) statutory and regulatory authority to administer job training and employment programs include provisions allowing for the requirement of performance reporting from states and grantees. In 2001, the President's Management Agenda available at: [http://www.whitehouse.gov/omb/budintegration/pma\\_index.html](http://www.whitehouse.gov/omb/budintegration/pma_index.html) announced changes being implemented to improve the management and performance of the Federal government. One of the five government wide goals "Budget and Performance Integration" emphasizes program effectiveness. As part of the President's budget and performance integration initiative, OMB and other federal agencies developed a set of common measures for programs with similar goals. Director's Memorandum M-02-06 available at: <http://www.whitehouse.gov/omb/budintegration/common.html> and subsequent OMB documents outline broad indicators of performance for job training and employment programs.

TEGL No. 17-05 "Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues" and Title 38, Chapter 41, Job Counseling, Training, and Placement Service (Veterans' Employment and Training Service) outline ETA's common measures policy.

### **602 POLICY OBJECTIVE**

The common measures are an integral part of ETA's performance accountability system. The value of implementing common measures is the ability to describe in a similar manner the following core purposes of the workforce system:

- How many people found jobs,
- Did people stay employed, and
- Did their earnings increase?



By minimizing the different reporting and performance requirements, common performance measures can facilitate the integration of service delivery, reduce barriers to cooperation among programs, and enhance the ability to assess the effectiveness and impact of the workforce investment system.

The workforce investment system is transforming into a demand-driven system with strategic investments in workforce solutions that result in more individuals being trained for highly skilled jobs in high-growth, high-demand industries. The performance accountability system, with common measures at its core, needs to be aligned with the specific demand-driven strategies identified at both the state and local levels. Demand-driven strategies may require unique approaches to training and service delivery. For example, depending on the specific skills and credentials identified as necessary by industry, training may be shorter and targeted in some instances and longer term in others. In all cases the workforce investment system continues to focus on connecting employers with skilled workers and connecting workers with good jobs, as reflected in the common performance measures.

Please note that these measures provide only part of the information necessary to oversee the workforce investment system effectively. ETA will continue to collect from states and grantees data on spending, program activities, participants, and outcomes that are necessary for program management and to convey full and accurate information on the performance of workforce programs to policy-makers and stakeholders.

### **603 COMMON MEASURES**

Three common measures apply to programs serving adults and three common measures apply to youth programs.

#### **.01 Adult Measures**

The following adult common measures apply to Wagner-Peyser funded programs, VETS funded programs, and WIA funded adult and dislocated worker programs combined:

- A. Entered Employment,
- B. Employment Retention, and
- C. Average Earnings.

#### **.02 Youth Measures**

The following youth common measures apply to WIA funded youth programs:

- A. Placement in Employment or Education,
- B. Attainment of a Degree or Certificate, and
- C. Literacy and Numeracy Gains.

PERFORMANCE MEASURE	PROGRAM(S) ACCOUNTABLE FOR REPORTING THIS MEASURE
<b>Adult Measures</b>	
Entered Employment	Wagner-Peyser, VETS, TAA, MSFW, & WIA
Retention	Wagner-Peyser, VETS, TAA, MSFW, & WIA
Average Earnings	Wagner-Peyser, VETS, TAA, MSFW, & WIA
<b>Youth Measures</b>	
Placement in Employment or Education	WIA
Attainment of a Degree or Certificate	WIA
Literacy and Numeracy Gains	WIA

## 604 FEDERAL REPORTING REQUIREMENTS

This section provides guidance in determining federal requirements and reporting the six common measures relating to employment and training, as well as, stressing the importance of integration of service delivery in the form of coordination and communication between the One-Stop partners providing the reportable services.

### .01 Participant

The term participant, as defined by ETA, is an individual who is determined eligible to participate in the program and receives a service, including self-service and informational activities, funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except section 1.36 WIA, which expressly excludes adult and dislocated worker program participants who only receive self-service or informational activities from performance calculations.

### .02 Participation Date of Program for Common Measures Reporting

Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program. If the participant receives services from multiple programs, the earliest date of service is the "date of participation" when reporting on the measures in each program. The following operational parameters shall be applied:

- A. Criteria, which are used to determine whether an individual is eligible to participate, will be based on the guidelines for that particular program.
- B. The phrase "determined eligible to participate in the program" under WIA does not apply to individuals who receive core services in a self-service, facilitated self-help, or staff-assisted modality funded by the Wagner-Peyser Act. These individuals are considered participants and are included in the Wagner-Peyser Act performance accountability system.

- C. An individual may be participating in several programs simultaneously and may be counted as a participant in each of those programs. For example, a customer who accesses information on a computer, purchased/leased from one funding stream, and who is assisted by another funding stream may be considered as a participant in both funding streams as appropriate with consideration to the programs' eligibility definitions.
- D. Self-directed job search is a service and individuals who use self-directed tools for job search are participants. Please note that self-directed job search alone does not initiate participation in the WIA Youth program.
- E. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period.
- F. Examples of other services and activities that do not commence participation in a program include the following:
  - 1. Determination of eligibility to participate in the program;
  - 2. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his/her employment status, educational progress, or need for additional services; and Income maintenance or support payments (i.e., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare);
  - 3. Individuals who visit a physical location for reasons other than its intended purpose (i.e., use of restrooms or asking staff for directions) are not participants.

**.03 The United States Department of Labor Employment and Training Administration (ETA) Common Measures Policy**

Workforce programs administered by ETA and VETS are subject to the common measures policy. Designation that a program is subject to the adult and/or youth measures will be implemented through modifications to each program's reporting and recordkeeping system and in no way impacts the existing eligibility requirements of the program.

Please note that ETA has adopted the common measures methodology for the calculation of the entered employment, employment retention, and earnings measurement in the WIA performance accountability system for WIA Adult, Dislocated Worker, and Youth programs and for the Trade Act, Jobs for Veterans Act (38 USC 4102A(f), and Wagner-Peyser Act program performance measures.

A. Introduction to Common Measure Methodologies

The methodologies of the common measures are written as an equation, clearly identifying who is in the numerator and who is in the denominator. In cases where there are conditions that apply to both the numerator and denominator, the condition is represented in italics at the beginning of the measure. For example, the adult entered employment rate is defined as:

1. ***Of those who are not employed at the date of participation:***

The number of adults who are employed in the first quarter after the exit quarter divided by the number of adults who exit during the quarter.

2. The condition of those not employed at the date of participation applies to both the numerator and denominator as follows:

- a. The number of adults who *are not employed at the date of participation* and are employed in the first quarter after the exit quarter, divided by the number of adults who *are not employed at the date of participation* and exit during the quarter.
- b. In addition, the phrase “who exit during the quarter” is used frequently in the denominators of the measures. This phrase has the same meaning as the term “exit quarter” used in some of the numerators.

B. Adult Measures

1. Entered Employment methodology is defined as:

***Of those who are not employed at the date of participation:***

The number of participants who are employed in the first quarter after the exit quarter, divided by the number of participants who exit during the quarter.

- a. Individuals who are employed at the date of participation are excluded from this measure.
- b. Individuals who, although employed at the date of participation, have either received a notice of termination of employment or whose employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or who are transitioning service members considered not employed at the date of participation and are included in the measure.
- c. Employment at the date of participation is based on information collected from the individual, not from wage records.

2. Employment Retention methodology is defined as:

***Of those who are employed in the first quarter after the exit quarter:***

The number of adult participants who are employed in both the second and third quarters after the exit quarter, divided by the number of adult participants who exit during the quarter.

- a. This measure includes only those who are employed in the first quarter after the exit quarter, regardless of their employment status at participation.
- b. Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure.
- c. Employment in the first, second, and third quarters after the exit quarter does not have to be with the same employer.
- d. By defining a positive outcome as employment in the first, second, and third quarters after the quarter of exit, the measure approximates retention for at least six months following participation in the program. However, a positive outcome on the retention measure does not necessarily indicate continuous employment with the same employer.

3. Average Earnings methodology (effective July 1, 2006) is defined as:

***Of those adult participants who are employed in the first, second, and third quarters after the exit quarter:***

Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter, divided by the number of adult participants who exit during the quarter.

- a. To ensure comparability of this measure on a national level, wage records will be the only data source for this measure. Acceptable wage record sources are:
  - a. UI wage records,
  - b. Federal employment wage records,
  - c. Military employment wage records, and
  - d. Other administrative wage records.
- b. Individuals whose employment in either the first, second or third quarters after the exit quarter were determined solely from supplementary sources and not from wage records are excluded from the measure.

C. Youth Measures

The three youth common measures apply to WIA funded youth programs. Please refer to the Workforce Information Memos and WIA Guidance Letters available at: <http://www.de.state.az.us/wia/> for policies and procedures specific to One-Stop program partner WIA.

**04. Point of Exit for Common Measures Reporting**

The term program exit means a participant does not receive a service funded by the program or funded by a partner program for ninety consecutive calendar days and is not scheduled for future services. This federal requirement facilitates the necessity for open communication and coordination of all related services between the network of One-Stop partners. The exit date is the last date of service. The following operational parameters shall be applied:

A. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period. Such follow-up services that do not extend the period of participation could include, but are not limited to:

- Additional career planning and counseling;
- Contact with the participant's employer, including assistance with work-related problems that may arise;
- Peer support groups;
- Information about additional educational opportunities;
- Informational mailings; and
- Referral to supportive services available through community and faith-based organizations.

Although, these services should not extend the participation period or delay program exit, the One-Stop partners are reminded that these services may have a direct and positive impact on the employment retention and wage gains of participants who enter employment.

B. Examples of other activities which do not extend the period of participation or delay program exit include the following:

1. Determination of eligibility to participate in the program;

2. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his/her employment status, educational progress, or need for additional services and Income maintenance or support payments (i.e., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare);
3. One-Stop partners that use services provided by partner programs to extend the point of exit must have the capacity to track program participants until the individual exits all services funded by the program or the partner program.
4. The phrase “and is not scheduled for future services” does not apply to participants who voluntarily withdraw or dropout of the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for ninety consecutive calendar days and has no planned gap in service, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.
5. To encourage service integration and recognize shared contributions toward performance outcomes, the One-Stop partners will share accountability under the common measures when the participant has exited all services funded by the program or funded by a partner program.
6. Participants should not be considered as exited if there is a planned gap in service greater than ninety days. Examples of a planned gap in service include, but are not limited to:
  - Delay before the beginning of training,
  - Health/medical condition or providing care for a family member with a health/medical condition, and
  - Temporary move from the area which prevents the individual from participating in services including the National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above that last no more than one hundred and eighty days from the date of the most recent service to allow time to address the barriers to continued participation. However, programs may initiate a consecutive gap in service of up to an additional one hundred and eighty days for the participant that follows the initial one hundred and eighty-day period to resolve the issues that prevent the participant from completing program services that lead to employment. One-Stop partners must document all gaps in service which occur and the reasons for the gaps in service, including the participant's intent to return to complete program services.

7. Once a participant has not received any services funded by the program or a partner program for ninety consecutive calendar days, has no gap in service, and is not scheduled for future services, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

#### **.05 Excluding Participants from the Common Measures**

Occasionally, circumstances arise which are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond ninety days. The intent here is to identify a common list of specific circumstances describing when a participant can be excluded from common measures. A participant in the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, will be excluded from the computation of the measures:

A. Institutionalized

The participant is residing in an institution or facility providing twenty four hour support, such as a prison or hospital, and is expected to remain in that institution for at least ninety days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative.

B. Health/Medical or Family Care

The participant is receiving medical treatment or providing care for a family member with a health/medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than ninety days.

C. Deceased



## D. Reservists Called to Active Duty

The participant is a member of the National Guard or a military reserve unit and is called to active duty for at least ninety days.

## E. Invalid or Missing Social Security Number

Because the measures require One-Stop partners to match personally identifiable client records, with wage and other administrative data in order to obtain outcome information, programs may exclude from all the measures those participants who do not voluntarily disclose a valid social security number.

## F. Relocated to a Mandated Program (Youth Only)

The participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps Center.

**.06 Data Sources**

This Section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

PERFORMANCE MEASURE	DATA SOURCE
<b>Adult Measures</b>	
Entered Employment	Wage records and supplemental data sources
Retention	Wage records and supplemental data sources
Average Earnings	Wage records  Supplemental data sources ( <u>only</u> for grantees that do not have access to wage records)
<b>Youth Measures</b>	
Placement in Employment or Education	Wage records and supplemental data sources for placement in employment and military  Administrative records for placement in education or training
Attainment of a Degree or Certificate	Administrative records
Literacy and Numeracy Gains	Assessment instrument

A. Wage Records

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this Section).

1. Unemployment Insurance Wage Records

To the extent that it is consistent with state law, Unemployment Insurance (UI) wage records will be the primary data source for tracking the adult entered employment, retention, and earnings increase measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports, such as:

- a. State government employment records;
- b. Local government employment records;
- c. Judicial employment records; and
- d. Public school employment records.

2. Additional Wage Records

While most forms of employment in a state's workforce are "covered" and will be in the UI wage records, certain types of employers and employees are excluded by Federal UI law or are not covered under states' UI laws. States may use record sharing and/or automated record matching with other employment and administrative data sources to determine and document employment and earnings for "uncovered" workers. Additional wage record data sources include the following:

- a. Wage Record Interchange System (WRIS),
- b. U.S. Office of Personnel Management (OPM),
- c. U.S. Postal Service/FEDES,
- d. U.S. Department of Defense/FEDES,
- e. Railroad Retirement System,
- f. State government employment records,
- g. Local government employment records,
- h. Judicial employment records,

- i. Public school employment records,
  - j. State New Hires Registry,
  - k. State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records).
- B. ETA, in collaboration with the OPM, U.S. Postal Service, and the Department of Defense has created a pilot data exchange system to provide access for all states to wage record information on federal and military employment. Updates are available at:  
<http://www.doleta.gov/performance>.
- C. Supplemental Sources of Data

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded or very difficult for One-Stop partners to access due to data confidentiality issues; i.e., access to State Department of Revenue or Tax records. One-Stop partners should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve, simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of ETA programs, One-Stop partners may use supplemental sources of data to document a participant's entry and retention in employment.

Allowable sources of supplemental information for tracking employment-related outcomes in the performance measurement periods include case management notes, automated data base systems, One-Stop operating systems' administrative records, surveys of participants, and contacts with employers. All supplemental data and methods must be documented and are subject to audit.

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 700**

**SUBJECT: UNEMPLOYMENT CLAIMANTS**

### **700 UNEMPLOYMENT CLAIMANTS**

Unemployment Insurance (UI) rules state that claimants that are required to seek work must register with Wagner-Peyser employment service as a condition of UI eligibility. This section explains statewide policies for the use of Wagner-Peyser employment service to serve UI claimants. This section will provide information regarding Reemployment Service and the UI work test requirements.

### **701 REEMPLOYMENT SERVICE**

The Unemployment Compensation Amendments of 1993 to Title III of the Social Security Act were signed into law on November, 1993. The amendments required Arizona to establish and implement a system for identifying new UI claimants who are likely to exhaust their unemployment benefits and need reemployment service to make a successful transition to reemployment. The Arizona Integrated Reemployment System (AIRS) is the system that Arizona utilizes.

#### **.01 Goals and Services**

This section will provide the goals of Reemployment Service and the guiding policies regarding the core services offered by Reemployment Service.

- A. UI claimants are identified through AIRS as claimants who are most likely to exhaust their UI benefits before obtaining employment and are referred to Wagner-Peyser employment service for Reemployment Service.
- B. The goal of Reemployment Service is to provide individuals with appropriate services early in their benefit issuance to enable UI claimants to return to work quickly.
- C. These individuals may require additional assistance in job seeking and supportive services.
- D. Core services will consist of;
  - 1. Orientation,
  - 2. Assessment,
  - 3. Labor Market Information (LMI),
  - 4. An Employment Development Plan, and
  - 5. Job search assistance.

**.02 Orientation**

The manner in which an orientation session is presented is critical to a claimant's attitude about participation. A spirit of friendliness and a positive, helpful attitude should be evident from the start. If the orientation is presented in an upbeat manner, the claimant's response is more likely to be agreeable. It is important to use motivational techniques when conducting the orientation for Reemployment Service.

- A. UI claimants identified for Reemployment Service must attend an orientation.
- B. The local office manager or their designee will schedule orientations for Reemployment Service.
  - 1. Local offices are required to conduct orientation sessions at least once a week.
  - 2. The orientations must be conducted in a group setting.
  - 3. Authorization to conduct a one-on-one orientation must be approved by the Program Manager.
- C. Claimants may be exempted for various approved reasons and rescheduled for another orientation, if appropriate. Allowable exemptions are:
  - 1. Claimant is attending an approved training as determined by UI,
  - 2. Claimant has attended a similar service. "Similar services" are reemployment services that a claimant is attending on his/her own initiative. These services need not be identical only reasonably similar. For example, a similar service could be resume writing or job placement assistance contracted for by the claimant's former employer. The quality of service would be a relevant factor in determining if a service is similar,
  - 3. Claimant has returned to work,
  - 4. Claimant is working part-time,
  - 5. Claimant has a definite date to return to work,
  - 6. Claimant is a member of a union and on the Out-of-Work list,
  - 7. Claimant resides more than twenty-five miles from services and did not work more than twenty-five miles from home on their last job,

8. Claimant is beyond the five-week limit. Claimants are ineligible for reemployment services beyond their fifth week of benefits, and
9. Other justifiable causes as defined in the Benefits Policy Rules (BPR), which are as follows:
  - a. Claimant was ill,
  - b. Claimant lacked transportation to the appointment,
  - c. Claimant had a job interview or work that prevented the claimant from attending the orientation, or
  - d. Other similar circumstances beyond the reasonable control of the claimant.

**Note:** If these circumstances are determined to be for more than one day out of the workweek, it becomes an issue to be reported to UI.

- D. Claimants may be rescheduled to attend another orientation.
  1. Rescheduled orientations should be completed in the same week of the original orientation date if possible.
  2. Claimants may only be rescheduled once.
- E. The topics for orientation should include:
  1. What claimants can expect that day,
  2. An explanation of Reemployment Service, why it is being used and how participants are selected,
  3. Participation is required as a condition of UI eligibility.
  4. A Reemployment Service Plan will be developed and the consequences of failing to participate with the agreed upon plan, and
  5. An introduction to the other programs at the One-Stop Career Center.

### **.03 Assessment**

Orientation will be followed by a personal interview to take inventory of the claimant's skills, interests and whether the claimant will benefit from other services.

- A. The claimant will complete a Work Readiness Self-Evaluation.

- B. The Work Readiness Self-Evaluation is reviewed with the applicant to identify work search needs and barriers.
  - 1. Review and assist claimants with needs and barriers identified on the checklist.
  - 2. Provide the participant with a copy of the Work Readiness Self-Evaluation and the Staff Review.
- C. Review the Work Search Log provided by UI for quality and quantity of contacts, if either is lacking, a referral to a Job Search Workshop may be necessary.
- D. Review resume for overall quality.
  - 1. Suggestions for improvement may be made.
  - 2. If claimant has no resume and the career they are seeking would normally require one, a referral to a Resume Writing Workshop may be necessary.
- E. Assessments will be conducted to determine the need for reemployment services beyond core services.
- F. Wagner-Peyser employment service will refer the claimant to other one-stop partners for training or additional services when appropriate.
- G. Those eligible for Reemployment Service must have a full registration.
- H. Labor Market Information (LMI) must be discussed with the claimant.
- I. Job search and placement assistance will be provided.
- J. The assessment will include developing a Reemployment Service Plan that must be signed by the claimant and the Wagner-Peyser employment service staff member.
- K. Services that meet the needs of the applicant are discussed, scheduled, and documented on the plan.
- L. Explain the consequences of failing to follow the agreed upon plan.

#### **.04 Follow-up**

An important component of Reemployment Service is the collection of information related to the services received by the claimants and their employment outcomes. Therefore, accurate records need to be kept on the activities of the claimants and the services they receive.

- A. Subsequent follow-up appointments are scheduled as necessary and provide an opportunity to offer assistance in reaching the goal of employment.
- B. An attempt to contact employers for job referral results is required.
- C. Follow-up will continue until the claimant becomes employed, is in training, needs no additional assistance, or is no longer receiving UI benefits.

## **702 UI ELIGIBILITY ISSUES**

This section will provide a definition of the UI Work Test and identify issues that need to be reported to UI.

### **.01 UI Work Test**

As a condition of receiving UI benefits, UI claimants must meet the requirements of the Work Test. The Work Test is a method for determining whether a UI claimant meets the criteria for continuing UI eligibility.

- A. The Work Test covers the claimant's:
  - 1. Ability to work,
  - 2. Availability for work, and
  - 3. The claimant's acceptance of suitable offers of work.
- C. Wagner-Peyser employment service staff have a responsibility to inform the claimant of the possibility that any action or lack of action involving work test issues may adversely affect eligibility for UI benefits.

### **.02 Reportable Issues**

Wagner-Peyser employment service is charged with the responsibility to provide UI with timely notification (normally within five work days) of any issue that affects a claimant's continued participation in the UI program.

- A. Reportable items that are within the scope of the work test include:
  - 1. Failure to report to the Wagner-Peyser employment service' office for a scheduled appointment,
  - 2. Failure to accept a referral to a job,



3. Failure to accept a suitable job offer,
  4. Failure to report for a job interview,
  5. Failure to report for work after accepting a job, or
  6. Applicant limits his/her availability for work or training.
- B. Other reportable information includes the claimant's failure to accept work:
1. When the occupation offered is conducive with the claimant's work history,
  2. When the claimant's wage demand is higher than his/her wage history from recent employment,
  3. Because of the commute distance, when compared to the distance formerly traveled for recent jobs or the normally accepted commuting pattern for the area,
  4. Because of transportation, consider the availability of public or private transportation,
  5. Due to the schedule, compare those with the former work periods or those normal for the occupation,
  6. Because of childcare or other domestic difficulties, or
  7. Due to any physical or mental condition that could restrict ability to work or availability for immediate employment.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 800**

**SUBJECT: PRIORITY SERVICES**

**800 PRIORITY SERVICES**

This section outlines the special provisions made for employment services to Veterans, Migrant Farm Workers, Seasonal Farm Worker (MSFW), or Migrant Food Processing Workers, and Trade Adjustment Assistance (TAA) programs.

**801 PRIORITY OF SERVICES FOR VETERANS**

Arizona's One-Stop partners provide universal access to employment, training, and related services for Veterans and covered individuals, as directed by the Jobs for Veterans Act 2002 (Public Law 107-288) and the United States Department of Labor, Employment and Training Administration's (ETA) Training and Employment Guidance Letter (TEGL) Number 5-03, which require the implementation of priority of services for Veterans in all United States Department of Labor job training programs.

**.01 Authority**

To extend priority of service for Veterans in all United States Department of Labor job training programs, Public Law 107-288 and TEGL 5-03 contain the following definitions and clarifications:

- A. Public Law 107-288, Section 2(a) of the Act 38 U.S.C. 4215(a) creates a **priority of service** for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in all United States Department of Labor job training programs.
- B. As defined in Training and Guidance Letter 5-03, "affected programs" include, but are not limited to:
  - 1. Workforce Investment Act Adult and Dislocated Worker formula-funded program,
  - 2. Wagner-Peyser Employment Services,
  - 3. Trade Act programs,
  - 4. National Emergency Grants,
  - 5. Senior Community Service Employment Program (SCSEP),
  - 6. Migrant and Seasonal Farm Workers(MSFW) program,
  - 7. Indian and Native American program,

8. H-1b Technical Skills Training Grants,
  9. Job Corps,
  10. Workforce Investment Act Demonstration Projects,
  11. Youth Opportunity Grants,
  12. Workforce Investment Act Youth formula-funded program,
  13. Labor Market Information Formula Grants,
  14. Pilots,
  15. Research and Development, and
  16. Career One-Stop Electronic Tools and other Internet-based self-service tools operated by the United States Department of Labor grantees.
- C. Public Law 107-288 states, "The Secretary of Labor will determine if covered persons are receiving priority of service by the representation of Veterans in such programs, and whether the representation of Veterans in such programs is in proportion to the incidence of representation of Veterans in the labor market."
- D. Veterans and other eligible individuals must meet existing program guidelines to receive priority.
- E. A covered person under PL 107-288 is defined as:
1. Veteran as defined by U.S.C. Title 38:
    - a. Served on active duty for more than 180 days and was discharged with other than a dishonorable discharge;
    - b. Was discharged (regardless of length of service) because of a service-connected disability; or
    - c. Was a member of a Guard or Reserve Unit, called to active duty during a war (regardless of the length of time served) or in an operation where a campaign badge was authorized and was discharged with other than a dishonorable discharge.

2. Spouse of any of the following individuals:
  - a. A Veteran who died of a service-connected disability;
  - b. Any member of the armed forces listed as missing for more than ninety days;
  - c. Any member of the armed forces forcibly detained by a foreign government or power for more than ninety days; or
  - d. Any Veteran who died while a disability so evaluated was in existence.
- F. Qualified job training programs include workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the United States Department of Labor including:
  1. Any program or service that uses technology to assist individuals to access workforce development programs, such as:
    - a. Job training opportunities,
    - b. Labor market information,
    - c. Career assessment tools, and
    - d. Related support services.
  2. Any program or service under the public employment service system, One-Stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on a Federal block grant administered by the United States Department of Labor.
- G. Public Law 107-28 defines Priority of Service in respect to any qualified job-training program as: "a covered person (Paragraph II, E) shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision in law". Priority services include, but are not limited to:

1. Registration,
2. Interviewing with a Veterans' representative,
3. Testing,
4. Vocational guidance,
5. Referral to employment services,
6. Job search workshops,
7. Referral to job training,
8. Referral to job openings, and
9. Job development.

#### **.02 Program Requirements**

To extend priority of service for Veterans in all United States Department of Labor funded job training programs, affected programs must:

- A. Provide information and priority of service to Veterans (and covered spouses) regarding benefits and services that may be obtained through other entities or service providers.
- B. Ensure that each Veteran (and covered spouse) who applies to or who is assisted by an affected program is informed of the employment-related rights and benefits to which veterans are entitled to under Public Law 107-28.
- C. Adhere to the law requiring government contracts in excess of \$100,000 to take affirmative action to employ Veterans.

#### **.03 Program Reporting Measures**

The success in achieving priority of service for Veterans within each affected program will be measured by the following criteria:

A. The Workforce Investment Act Formula-Funded Programs

Comparison of the percentage of Veterans who applied to the program and were accepted versus the non-vets who applied to the same program and were accepted is used. Example:

80 Vets Accepted in Program  
-----divided by----- = 80%  
100 Total Vets Applied to Program

78 Non-Vets Accepted in Program  
-----divided by----- = 78%  
100 Total Non-Vets Applied to Program

If the percentage of Veterans accepted is greater than the percentage of non-veterans accepted, the program will be considered to be in compliance with Veteran's priority requirements. This can be calculated from information currently available in the VOS reports.

B. Disabled Veterans Outreach Program (DVOP) and Local Veterans Employment Representative (LVER)

Comparison of the number of Veterans and eligible persons with the total number of participants served is used. Example:

Total Veterans and Eligible Persons  
-----divided by----- = Ratio of Vets Served  
Total Number of Participants Served

990 Total Veterans and Eligible Persons  
-----divided by----- = 99%  
1000 Total Number Served

This can be calculated from information currently available on the Labor Exchange VETS200 federal reports.

C. Preference and Priority of Service Calculation

Example:

Total Non-Veterans Receiving a Referral  
-----divided by----- = % Non-Vets Total  
Registered in an Office Receiving a Referral

25 Non-Veterans Receiving a Referral  
-----divided by----- = 25% Non-Veterans  
100 Non-Veterans Registered in The Office Received a Referral

10 Veterans are Registered in Addition to The 100 Non-Veterans:  
A Total 5 Veterans Receive a Referral  
-----divided by----- = 50% Veterans  
10 Veterans are Registered in The Office Received a Referral

D. All affected programs are responsible for applicant-tracking including Veteran and non-veteran applications and enrollments that are not included in the VOS Report or within the Labor Exchange information.

E. The Trade Adjustment Assistance (TAA) and Migrant Seasonal Farm Workers' (MSFW) representatives are responsible for monitoring Veterans' priority of service as it relates to their programs. For each program, the representative will review processes that are utilized to implement Veterans' priority of service, as well as statistical outcomes.

## **802 MIGRANT FARM WORKER, SEASONAL FARM WORKER, OR MIGRANT FOOD PROCESSING WORKER (MSFW)**

Arizona's Wagner-Peyser funded programs and all One-Stop partners deliver appropriate and equitable labor, training and employment services to Migrant Farm Worker, Seasonal Farm Worker (MSFW), or Migrant Food Processing Worker program participants.

**Note:** It is important to make the following distinction. The National Jobs Program (NFJP), also known as the WIA-167 state grantee and operates in Arizona under the name of Practical Portable Education Preparation (PPEP) Inc. and is one of multiple partner entities providing services to agricultural customers in Arizona. The NFJP although a partner program, does provide supplemental services to MSFW from those provided by the Wagner-Peyser employment service.

### **.01 Seasonal Farm Worker**

A Seasonal Farm Worker is defined as a person who during the preceding twelve months worked at least an aggregate of twenty five or more days or parts of days in which some work performed in farm work, earned at least half of his/her earned income from farm work, and was not employed in farm work year-round by the same employer.

**.02 Migrant Farm Worker**

A Migrant Farm Worker is defined as a seasonal farm worker who travels to a location to perform farm work and is unable to return to his/her permanent residence within the same day.

**.03 Migrant Food Processing Worker**

A Migrant Food Processing Worker is defined as a person who during the preceding 12 months has worked at least an aggregate of twenty five or more days or parts of days in which some work performed in food processing, (as classified in the 2002 North American Industry Classification System (NAICS) Definitions 3116, 311421, 311941 and 311411 for food processing establishments), earned at least half of his/her income from food processing work and was not employed in food processing year-round by the same employer, provided that the food processing required travel making the worker unable to return to his/her permanent residence in the same day.

**803 TRADE ADJUSTMENT ASSISTANCE (TAA)**

The purpose of the Trade Adjustment Assistance (TAA) program is to provide re-employment services and benefits to workers who become totally or partially separated, or are threatened to become separated from employment, as a direct result of the increase in foreign imports or a shift in production to foreign countries that are a party to Free Trade Agreements with the United States.

**.01 Training**

The section discusses the conditions for approval of training based on the United States Code of Federal Regulations (C.F.R.), The United States Department of Labor, Employment and Training Administration, Training and Employment Guidance Letter (TEGL) 11-02 and 11-02, change 1 and the procedures used for implementation of the laws:

A. Training Determinations

C.F.R. 617.22a.1 - There is no suitable employment (which may include technical and professional employment) available for an adversely affected worker. (i) This means that for the worker for whom approval of training is being considered under this section, no suitable employment is available at that time for that worker, either in the commuting area, as defined in § 17.3(k), or outside the commuting area in an area in which the worker desires to relocate with the assistance of a relocation allowance under Subpart E of this part, and there is no reasonable prospect of such suitable employment becoming available for the worker in the foreseeable future. For the purposes of Paragraph (a)(1) of this section only, the term "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80% of the worker's average weekly wage.



**B. Training Justification**

The Wagner-Peyser Job Service Counselor who works directly with Trade clients should be attaching a resume and a work search log to the Trade Adjustment Training Plan, Form # TA-8-113. If the client has previous Educational Degrees, an explanation as to why the client is not being hired with the degree and justification for retraining is required. It must be documented on the TA-8-113, Element #1, client's previous position and salary with the affected employer and the current wage for that position, which must be less than 80% of the worker's average weekly wage. It must be documented as to why the client is unable to find work at 80% of the previous wage or equal or higher skill level than the affected employment.

**C. Expectation of Employment**

C.F.R. 617.22a.3 - There is a reasonable expectation of employment following completion of such training. (i) This means that, for that worker, given the job market conditions expected to exist at the time of the completion of the training program, there is fairly and objectively considered, a reasonable expectation that the worker will find a job using the skills and education acquired while in training, after completion of the training. Any determination under this criteria must take into account that "a reasonable expectation of employment" does not require that employment opportunities for the worker be available, or offered, immediately upon the completion of the approved training. This emphasizes, rather than negates, the point that there must be a fair and objective projection of job market conditions expected to exist at the time of completion of the training.

**D. Local Market Information**

The Wagner-Peyser Job Service Counselor, who works directly with Trade clients, must utilize the local labor market information and/or job postings that support a local area demand for the occupation in which the client is requesting training. If the client is willing to relocate, also provide local labor market information for that area. Local labor market information must be attached and the significance be adequately summarized on the TA-8-113, Element # 3.

**E. Conditions for a Waiver from Training**

Conditions for a Waiver from Training can be issued for one of the following reasons in accordance with TEGL 11-02 and 11-02, Change 1:

1. Enrollment Unavailable

The first available enrollment date for the approved training of the worker is within sixty days after the date of the determination of waiver or if later, there are extenuating circumstances for the delay in enrollment, as determined pursuant to guidelines issued by the Secretary of Labor.

2. Training Not Available

There is no training available or available at a reasonable cost.

3. Recall

The worker has been notified of a recall by the employer from which the separation occurred.

4. Marketable Skills

The worker possesses marketable skills for suitable employment as determined pursuant to an assessment and there is a reasonable expectation of employment at equivalent wages in the foreseeable future.

5. Health

A waiver can exempt the worker from training but he/she must meet the unemployment job search, acceptance and availability requirements.

6. Retirement

The worker is within two years of meeting requirements for social security and/or a privately sponsored pension.

F. Processing a Waiver

Waivers will no longer be sent out by Central Office in the application for Trade company mailings. The waivers will be completed by the Wagner-Peyser Job Service Counselors who work directly with Trade clients. An individual will not be allowed to stay on a marketable skills waiver indefinitely. A waiver is to be issued for marketable skills status as long as a determination through assessment confirms that the does have a marketable skill and is making a serious effort to seek work.

Arizona's goal is to get the client in training as soon as the assessment and determination of no suitable employment for the individual has been made. If through the assessment process the counselor determines a waiver is needed, it must be completed prior to the 8/16 date. There will be **no Backdating** of waivers for any reason. Waivers must be **updated every thirty days**.

When the condition for the waiver still exists, the waiver update is sent to the Central office. If the basis for the waiver is no longer applicable to the worker, the waiver is to be revoked and a determination issued to the client, which may be appealed. Original signature is needed on all waivers and updates. Case Management is critical and the counselors must review the work search log during the waiver update and determine if the waiver is still applicable or skills training should be considered.

G. Breaks in Training

C.F.R. 617.15 - A scheduled break in training includes all periods within or between courses, terms, quarters, semesters and academic years of the approved training program. When a break exceeds thirty days, TAA Reform Act, (TRA) benefits cannot be paid for any of the weeks included in the scheduled break. Breaks in training will not affect receipt of either TRA Basic or Additional benefits if:

- The break does not exceed 30 days (not counting weekends and holidays);
- The individual was participating in training before the beginning of the break and resumes training immediately after the break ends; and
- The break is documented in the training facility's published schedule of the training program.

H. Participation

An individual who, without justifiable cause, fails to begin training or ceases to participate in training is withdrawn from the Trade Act program. The following definitions apply to participants who shall be removed from the program:

1. Failed to Begin Participation

The individual fails, without justifiable cause, to attend all scheduled classes and other training activities in the first week of the training program.

2. Ceased Participation

The individual fails, without justifiable cause, to attend all scheduled classes and other training activities scheduled by the training institution in any week of the training program.

3. Justifiable Cause

Such reasons that justify an individual's conduct when measured by the expected conduct of a reasonable individual in like circumstances. This includes, but is not limited to, reasons beyond the individual's control and reasons related to the individual's capability to participate in or complete an approved training program.

I. Unscheduled Breaks

There is no "**Hold Status**" during training. Any unscheduled breaks in training must be accompanied with an explanation and any documentation to support the need for the break. All non-scheduled breaks must be a reasonable time period and approved by the Trade Coordinator. Medical conditions need a doctor's note. TRA will not be paid during these weeks if they are not able and available to attend training. If a client chooses to take a non-scheduled break without approval of the Trade Act Coordinator and the school, their training benefits will end at that time.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY



WAGNER-PEYSER

PROGRAM INSTRUCTIONS:  
SECTION 900

SUBJECT: COMPLAINT REFERRAL

**900 COMPLAINT REFERRAL**

This section provides information regarding Wagner-Peyser employment service' related complaints.

**Future Enhancement**

## ARIZONA DEPARTMENT OF ECONOMIC SECURITY



**WAGNER-PEYSER**

**PROGRAM INSTRUCTIONS:**  
**SECTION 1000**

**SUBJECT: GLOSSARY**

### **1000 GLOSSARY**

This section contains commonly used acronyms and definitions used throughout the Wagner-Peyser Policy Manual.

**Affirmative Action**

A positive result-oriented action, imposed on or assumed by, an employer pursuant to legislation, court order, consent decree, directive of a fair employment practice authority, government contract, grant, loan, or voluntary affirmative action plan adopted pursuant to the Affirmative Action Guidelines of the Equal Employment Opportunity Commission. The purpose of affirmative action is to provide equal employment opportunities for members of a specified group, which for reasons of past custom, historical practice or other non-occupationally valid purposes, has been discouraged from entering certain occupational fields.

**Agency Related Complaints**

A complaint which is made against Wagner-Peyser employment service alleging actions or omissions under federal regulations.

**Agricultural Order**

A job order seeking applicants for work within agricultural production or agricultural service industries.

**Arizona Integrated Reemployment System (AIRS)**

A system identifying claimants who are most likely to exhaust their UI benefits before obtaining employment and are referred for Reemployment Service.

**Bona Fide Occupational Qualification**

An employment requirement that includes sex, age, national origin, or religion, based on a finding that such characteristic is necessary to the individual's ability to perform the job in question.

**Casual Labor Order**

A job order for temporary labor that is anticipated to be less than four days in duration and requires no special training or equipment of the applicant.

**Clearance Order**

An out-of-state employer request for recruitment assistance for an out-of-state job opening.

<b>Common Measures</b>	A management tool designed by the United States Department of Labor Employment and Training Administration to describe in a similar manner the core purposes of the workforce system. Key attributes include a universal language for measuring performance, employment focused measures for adult programs, and skill attainment measures for youth programs.
<b>Corrective Action Plan</b>	Written plans developed to address deficiencies.
<b>Discontinuation of Services</b>	When an employer has been found to be in violation of employment related laws or Wagner-Peyser regulations, Wagner-Peyser employment service will be discontinued.
<b>Discriminatory Job Order</b>	A job order that indicates a preference or requirement for workers of a specific race, color, religion, sex, age, national origin, citizenship, physical or mental status unrelated to job performance.
<b>Enterprise Zone</b>	A state program administered by the Arizona Department of Commerce to encourage the creation of quality jobs and capital investment in distressed areas of the state.
<b>Enterprise Zone Order:</b>	A job order that attempts to assist an employer in recruitment for a worksite within the boundaries of an Enterprise Zone.
<b>Federal Contractor</b>	Federal contractors and subcontractors are required to list all job openings with Wagner-Peyser employment service except executive and top management positions, positions that will be filled from within the contractor's organization, and positions lasting less than three days. This requirement applies to contractors and subcontractors with a covered federal contract or subcontract of \$100,000 or more.
<b>Full Registration</b>	A full registration occurs when an applicant has participated in an application interview and includes the applicant's personal characteristics, work history, and occupational classification code.

<b>Independent Contractor</b>	Independent Contractors are defined in general terms as individuals engaged in an independent trade, occupation, profession, or business. They may advertise their services, are in a position to realize a profit or suffer a loss as a result of their services, and may have a significant investment in the business.
<b>Job Development</b>	The process of securing a job interview with a public or private employer for a specific job seeker for whom the local office has no suitable opening on file.
<b>Labor Dispute Order</b>	A job order for positions which are vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.
<b>Labor Market Information</b>	The body of information that deals with functioning labor markets and the demand and supply of labor. Key factors include changes in the level and/or composition of economic activity, the population, employment, unemployment, income, earnings, wage rates and fringe benefits.
<b>Labor Organization Order</b>	A job order requiring membership in a union as a condition of employment.
<b>Mass Recruitment Order</b>	A job order with multiple openings or job classifications.
<b>Migrant and Seasonal Farm Worker</b>	A farm worker who travels to different areas for seasonal agricultural work and is unable to return to his/her permanent residence within the same day.
<b>National Reporting System (NRS)</b>	An accountability system for federally funded programs.
<b>Non-Numerical Review</b>	A review which determines compliance with federal regulations and reviews quality of service.
<b>Numerical Review</b>	A review which provides a systematic method for analyzing data on employment service operations in order to determine service level adequacy.
<b>One-Stop Employment and Workforce Information Services</b>	This is the United States Department of Labor's new name for labor exchange.
<b>O*NET, The Occupational Information Network</b>	The O*NET is a comprehensive database that provides a numerical code for worker attributes and job characteristics.



<b>Partial Registration</b>	Partial registration means an applicant has not participated in an application interview and does not include an occupational classification code.
<b>Gap in Service</b>	A gap in service occurs when a documented planned gap in service is expected to last more than ninety days. Examples of planned gaps include health/medical reasons, family care, temporary move from the area, or delay before training.
<b>Reemployment Service</b>	Reemployment service provides individuals with appropriate services early in their benefit issuance to enable certain UI claimants to return to work quickly.
<b>Replacement Order</b>	A replacement job order is used to fill a position currently held by a worker who is being replaced.
<b>Self Appraisal System</b>	The self-appraisal system is based upon a comparison of planned activity levels as stated in the State Program and Budget Plan (PBP) and the accomplished results.
<b>Self-Registration</b>	Self-registration allows the job seeker to enter their own data into the automated system.
<b>Single Point of Contact Orders</b>	A job order that is used when arrangements are made to restrict Wagner-Peyser employment service contact with an employer to a single Wagner-Peyser employment service entity.
<b>State Monitor Advocate</b>	The State Monitor Advocate is the official complaint specialist for Wagner-Peyser employment service.
<b>Substandard Order</b>	A job order that specifies terms of employment or working conditions, including wages and hours below federal legal requirements or community standards for the type of work offered.
<b>Supplemental Data</b>	Supplemental data includes case management notes, automated One-Stop Employment and Workforce Information Services System, administrative records, surveys of participants, and contacts with employers.
<b>UI Work Test</b>	A method for determining whether a UI claimant meets the criteria for continuing UI eligibility.

<b>Unemployment Insurance Claimant</b>	An individual who has filed an unemployment insurance claim.
<b>Veteran</b>	A person who served on active duty in the Armed Forces for a period of more than 180 days and who was discharged or released there from with other than a dishonorable discharge; i.e., was discharged or released from active duty because of a service connected disability, or as a member of a reserve component under an order to active duty, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.
<b>Wagner-Peyser Act of 1933</b>	The Wagner-Peyser Act of 1933 established the United States Employment Service in order to promote the establishment and maintenance of a national system of public employment offices.
<b>Wagner-Peyser employment service</b>	The Wagner-Peyser program was established to provide employment service to employers and workforce information services to job seekers. These services increase employment opportunities, employment retention, earnings, and occupational skill attainment of participants, as well as, assisting employers in finding qualified workers. This improves the quality of the workforce, reduces welfare dependency, and enhances the productivity and competitiveness of the State. The system is intended to be customer focused and to help provide access to the tools needed to manage careers through information and high quality services.
<b>Workforce Investment Act of 1998</b>	The Workforce Investment Act established programs that prepare youth and unskilled adults for entry into the labor force and affords job training to those economically disadvantaged individuals and other individuals, including veterans, who face serious barriers to employment and who are in need of such training to obtain prospective employment.